



July 25, 2025

Dear members of the Interim Joint Committee on Health Services,

As the national organization responsible for developing, administering, scoring, and reporting optometry examinations, the National Board of Examiners in Optometry (NBEO) thanks you for the opportunity to appear before the Committee at its July 30th meeting and appreciates the opportunity to submit these materials in advance. NBEO strongly urges you to find the proposed regulatory amendment to **201 KAR 5:010 deficient**. It is against the best interests of Kentucky citizens to allow optometry candidates to replace the NBEO Part I: Applied Basic Science exam with the foreign Optometry Examining Board of Canada (OEBC) written exam.

The enclosed documents are provided as pre-reads ahead of the committee vote on this issue. Included are the following:

- A fact sheet summarizing why the proposed amendment to 201 KAR 5:010 is bad for Kentucky and puts patients at risk.
- NBEO's responses to frequently raised arguments by proponents of the amendment.
- A comparison of the competency domains tested by NBEO Part I and by the OEBC written exam.
- A state-by-state scope of practice overview.
- A summary of NBEO's pass rates compared to the OEBC written exam pass rates.
- KBOE's written justification for the proposed amendment.
- The documentation of what research KBOE conducted prior to filing the proposed amendment.
- Letters from state optometry boards and experts who agree that this proposed regulatory amendment puts Kentuckians at risk.

The proposed amendment to 201 KAR 5:010 would lower licensure requirements, allowing unqualified optometrists to enter the profession and practice on Kentuckians. NBEO strongly urges you to vote against this amendment and find it deficient in order to protect the safety of Kentuckians.

Thank you again for the opportunity to share this important information.

Lowering licensure standards puts Kentuckians' eye health at risk

The Issue

- Doctors of optometry in the U.S. must pass a three-part board examination by the National Board of Examiners in Optometry (NBEO®) to obtain a license. These exams work in sequence to ensure optometrists have the necessary knowledge and skills for safe practice in the U.S. – testing crucial competencies in foundational optometric and biomedical concepts, as well as clinical thinking and decision-making to appropriately diagnose and treat patients.
- Kentucky is on the precipice of being the only state in the country to accept the Canadian written exam for optometric licensure, a test based entirely upon the Canadian healthcare system, instead of the American Part I exam.
- This change could lower the licensure standards and risk allowing unqualified candidates to receive licensure, potentially endangering the people and patients of Kentucky.

American and Canadian Exams Are Not Equivalent

- The American Part 1 exam tests biomedical science and works in tandem with the other required American exams to ensure candidates possess the required knowledge and skills for safe practice in the United States. The Canadian exam does not test biomedical science, meaning candidates would not be tested on things like basic anatomy of the eyes. One exam cannot be substituted for another.

Kentucky's Expanded Scope Requires More

- Optometrists in Kentucky are authorized to perform laser and minor surgical procedures such as removal of eyelid bumps. These procedures are not within the scope of optometric practice allowed in any Canadian province. If this regulatory amendment passes, patients in Kentucky will be treated by optometrists who have not been assessed for competency in biomedical sciences, which is essential for the practice of optometry in Kentucky.

A Risky Exception

- The Canadian exam is not accepted for optometric licensure in any other U.S. state, which would make Kentucky an outlier.

This proposed regulatory change risks the vision and overall health of your constituents. We urge you to reject the proposed regulatory amendment to 201 KAR 005:010.

Lowering licensure standards puts Kentuckians' eye health at risk

The General Assembly is considering an amendment that, if passed, would allow optometry candidates to bypass the American (NBEO) Part 1 Applied Basic Science exam with a foreign, Canadian (OEBC) test that is incomparable in content and based entirely upon their healthcare system.

This change will lower standards for optometric licensure in Kentucky

The American test is a three-part series designed to work in sequence to ensure optometrists have the necessary knowledge and skills for safe practice. Unlike the American exam series, the Canadian exam does not test biomedical sciences such as basic anatomy of the eyes.

Kentucky optometric students don't need lower standards to pass

Optometric candidates in Kentucky who are qualified to practice can and should pass the American exam – they don't need lower standards to qualify.

This change would be bad for the profession and for patients

By passing this amendment and lowering the standard to obtain a license, you risk allowing unqualified candidates to receive licensure and practice in Kentucky.

Kentucky would be the only state in the country to accept a foreign licensure exam for optometric practice

The Canadian exam is based entirely on the scope of practice in Canada, and is not accepted anywhere in the U.S. This exam doesn't test on laser and minor surgical procedures, which optometrists in Kentucky are authorized to perform.

This amendment is not in the best interest of patients or the people of Kentucky. We urge you to reject the proposed regulatory amendment to 201 KAR 005:010.

Why Arguments by Proponents of the Amendment to 201 KAR 5:010 Are Mistaken and the Proposed Amendment is Deficient

Eight Common, Flawed Arguments

1. The Kentucky Board of Optometric Examiners (KBOE) has the statutory authority to approve any board exam it wants other than the National Board of Examiners in Optometry® (NBEO®) exam because the authorizing statute states that the KBOE may “accept the scores of the applicant from an examination prepared, administered, and graded by the National Board of Examiners in Optometry or any other organization approved by the board as qualified to administer the examination.” KRS 320.250(2)(b).

2. KBOE is demonstrating bold leadership and innovation.

3. The NBEO Part I pass rate is too low.

The Actual Facts

1. KBOE does not have unconstrained authority to approve any exam it wants; this argument ignores clear, mandatory instructions to KBOE in the statute. KRS 320.250(2) states that the examinations approved by KBOE for applicants for initial licensure “**shall relate to the skills needed for the practice of optometry in this Commonwealth at the time of the examination and shall seek to determine the applicant’s preparedness to exercise these skills.**” The Optometry Examining Board of Canada (OEBC) written exam that KBOE proposes to permit as a substitute for the NBEO Part I exam was never designed to address Kentucky’s expansive scope of practice and does not determine applicants’ preparedness for the independent practice of optometry in Kentucky, as optometrists have a very narrow scope of practice in Canada. As a result, **the proposed regulation is deficient** under the Kentucky Administrative Procedure Act. KRS 13A.030 (a proposed administrative regulation is deficient if it “appears to be in conflict with an existing statute, ... is beyond the statutory authorization of the administrative body, [or] modif[ies] or vitiate[s] a statute or its intent”).

2. **There is no merit in being the first to lower standards or to depart from what every other state in the U.S. recognizes is the baseline level of medical knowledge that optometrists need to practice safely.** Many other state licensing boards and experts have expressed alarm at KBOE’s proposal to substitute a foreign exam for the national U.S. standard. One state (Nevada) has already responded by passing a law that would bar licensure by endorsement to any Kentucky-licensed O.D. who relied on the OEBC written exam rather than the NBEO Part I exam to obtain their Kentucky license.

3. The primary motivation for KBOE’s proposed amendment is its desire to grant optometry licenses to candidates who are unable to pass the NBEO Part I exam. **KBOE’s Regulatory Impact and Analysis Statement focuses exclusively on pass rates**, identifying “the

necessity of the amendment” as: “*Post pandemic, there were a number of optometry school students that could not pass the National boards as required in current Kentucky regulation.*” KBOE’s scanty research into using the online OEBC written exam as an alternative to the securely administered NBEO Part I exam also focused on pass rates, rather than the content of the exams. For example, the research summary from KBOE’s February 2024 meeting states: “**Key statement:** Dr McIntosh and his colleges report **part 1 of NBEO is more difficult than initial portion of the Optometry Examining Board of Canada (OEBC) Written Exam. Possibly 10-20% more difficult.**”

Indeed, the ultimate pass rate for the OEBC written exam was 100% in four of the past six years and never dipped below 99.3% in that period. See [Exam Pass Rates - OEBC](#). The ultimate pass rate on the NBEO exam was consistently in the 92% range prior to the pandemic, dipped during the pandemic – consistent with results for many other licensing exams during the pandemic – and is trending back towards the prior pass rate (most recently, 85.88% nationally). See [National Board of Examiners in Optometry Yearly Performance Report – ASCO](#). The NBEO grants candidates up to six attempts to pass each part of the exam. **A pass rate that screens out applicants who lack the skills to safely and effectively practice optometry in the Commonwealth is not too low.** KBOE’s amendment is prioritizing applicant interests over patient safety.

4. The NBEO Part I exam questions are not relevant to practicing optometrists.

4. Every question on the NBEO Part I exam has direct clinical relevance. For example, a Part I multiple choice question asks candidates to identify the most common bacteria found on human skin. That is directly relevant to a patient’s risk of infection, especially from optometric minor surgical procedures. Each of the three parts of the NBEO exam evaluates an essential component of optometry candidates’ preparation for independent practice. Part II and Part III test candidates on cases that present textbook examples of the core kinds of conditions optometrists are likely to encounter. **Part I recognizes that few patients fall neatly into the textbook categories, and that an**

optometrist needs knowledge of fundamental biomedical science to appropriately and safely treat those patients.

5. The NBEO Part I exam is created in an echo chamber with little communication or input from stakeholders.

5. NBEO develops its exam questions through a rigorous, peer-reviewed process involving practicing optometrists and experts to ensure each question aligns with current clinical standards and accurately reflects the scope of optometric practice across the United States. NBEO test development does not occur in an echo chamber. As NBEO shared in its June testimony before KBOE, **every question on the exam is reviewed by approximately 25 optometrists** – drawn from across the country – prior to being used on the exam. See https://nbeo.optometry.org/media/documents/news/KBOE_Transcript.pdf.

6. The OEBC written exam is comparable to the NBEO Part I exam.

6. The OEBC written exam is not designed to test students on foundational science concepts, unlike the NBEO Part I exam. The NBEO Part I exam evaluates candidates on their biomedical knowledge in the areas of Anatomy, Biochemistry, Immunology, Microbiology, Optics, Pathology, Pharmacology, and Physiology. The OEBC written exam evaluates candidates on Clinical Expertise, Collaboration, Patient-Centered Care, Practice Management, and Scholarship. The OEBC domains are designed based upon the Canadian healthcare system, with its narrower scope of optometric practice, not that of the United States. In fact, the OEBC study guide itself suggests that candidates may wish to use the NBEO *Part II* study guide to prepare for the OEBC exam, not the NBEO Part I study guide. (See <https://oebc.ca/wp-content/uploads/2024/12/Study-Guide-2025.pdf>). Not even the OEBC would suggest that the OEBC written exam and NBEO Part I exam are equivalent.

Additionally, NBEO follows the Standards for Educational and Psychological Testing. This is the gold standard within the testing community. Those standards require validation of all the intended uses and interpretations before using an exam to make decisions. **The Canadian exam has not been validated for use as a licensure exam in the United States.** In fact, the Canadian exam website specifically lists

their vision statement as “To be the exclusive provider of competence assessments for Canada’s optometric regulatory authorities.” There is no research that supports the use of the Canadian exam in the United States.

7. The NBEO exam is too expensive, so an alternative is needed.

7. NBEO is a non-profit organization, and its exam fees are driven by the costs of developing and administering the exam. NBEO’s exam costs are in line with peer exams from other industries. In fact, **the proposed KBOE regulation would not save any money for candidates**: instead of paying \$1445 USD to take the NBEO Part I exam, candidates opting to substitute the OEBC written exam would have to pay \$2000 CDN (at today’s exchange rates, approximately \$1460 USD). See [Fees - OEBC](#).

8. NBEO opposes this change because it is afraid of competition.

8. Opposition to this regulatory change has never been driven by fear of competition. Accepting a licensure exam that does not cover Kentucky’s expanded scope of practice and is not taken in a secure location would be a failure of KBOE’s statutory obligation and would put Kentucky patients at risk. Optometrists are held to a medical standard of care and, especially in Kentucky, have a scope of practice that overlaps with medical doctors, including certain prescription authority, laser surgery, and other minor surgical procedures. **NBEO opposes this amendment because it puts patients at risk, not to escape competition.** The online OEBC written exam is not an adequate substitute for the NBEO Part I exam and will not ensure that licensed Kentucky optometrists are qualified to provide safe and effective care consistent with Kentucky’s scope of practice.

Additionally, medicine, osteopathic medicine, chiropractic medicine, podiatry, pharmacy, etc. all have one national licensure examination and test candidates on their knowledge of foundational biomedical science. These national standards are in place to protect the public. Kentucky deserves optometrists who meet the standards of every other US state.



The Canadian exam **does not**
test biomedical science



NBEO Part I ABS

Anatomy

Biochemistry

Physiology

Immunology

Microbiology

Pathology

Optics

Pharmacology

≠

OEBC Written

Clinical Expertise

Collaboration

Patient Centered Care

Scholarship

Practice Management

Source:

<https://nbeo.optometry.org>



<https://oebc.ca/>

Optometric Scope Laws State by State										
	LASER PRIVILEGES	LUMPS AND BUMPS	OTHER PROCEDURES	CONTROLLED SUBSTANCES	ORAL STEROIDS	ORAL IMMUNO-SUPPRESSIVES	ORAL ANTIFUNGALS	GLAUCOMA MEDS	INJECTABLE AGENTS	BLOOD DRAW
Alabama				3, 4, 5					A	
Alaska				2*, 3, 4, 5						
Arizona				2*, 3					A	
Arkansas				2*, 3, 4, 5						
California				2*, 3						
Colorado				2*, 3, 4, 5						
Connecticut									A	
D.C.									A	
Delaware				2*, 3, 4, 5					A	
Florida				3, 4*				T	A	
Georgia				2*, 3, 4, 5						
Hawaii									A	
Idaho										
Illinois				2*, 3, 4, 5					A	
Indiana				4**						
Iowa										
Kansas										
Kentucky				2*, 3, 4, 5						
Louisiana										
Maine				3, 4, 5					A	
Maryland								T	A	
Massachusetts				3, 4, 5						
Michigan				2*, 3, 4, 5						
Minnesota				4, 5					A	
Mississippi				2*, 3, 4, 5						
Missouri										
Montana										
Nebraska	SLT only								A	
Nevada				3, 4, 5						
New Hampshire			IPL	3, 4						
New Jersey				2*, 3, 4, 5					A	
New Mexico				2*, 3, 4, 5						
New York										
North Carolina										
North Dakota				3						
Ohio				2, 3, 4					A	
Oklahoma				2*, 3, 4, 5						
Oregon				2*, 3, 4, 5						
Pennsylvania				2*, 3, 4, 5					A	
Rhode Island				2*, 3, 4, 5						
South Carolina				2*, 3, 4, 5						
South Dakota			IPL							
Tennessee										
Texas				3, 4, 5					A	
Utah				2*, 3, 4, 5						
Vermont				3, 4, 5					A	
Virginia				2*, 3, 4, 5						
Washington				2*, 3, 4, 5						
West Virginia				2*, 3, 4, 5						
Wisconsin										
Wyoming				2*, 3, 4, 5						


2* = hydrocodone products only 4* = Acetaminophen with codeine and tramadol only 4** = Tramadol only A = injections for anaphylaxis only T = topical glaucoma meds only


Chart data compiled by the American Optometric Association and Review of Optometry. Will be continuously updated at reviewofoptometry.com.

Pass Rate Comparison between NBEO and OEBC Examinations

	First Time NBEO Part I 	First Time OEBC Written 
2023-2024	66.71%	94.1%
2022-2023	62.65%	94.2%
2021-2022	73.19%	89.1%
2020-2021	77.67%	93.0%
2019-2020	81.79%	98.2%
2018-2019	74.66%	94.4%
2017-2018	72.93%	91.7%



	Ultimate Pass Rate NBEO 
2023-2024	85.88%
2022-2023	83.59%
2021-2022	87.77%
2020-2021	92.46%
2019-2020	92.20%
2018-2019	92.68%
2017-2018	92.09%

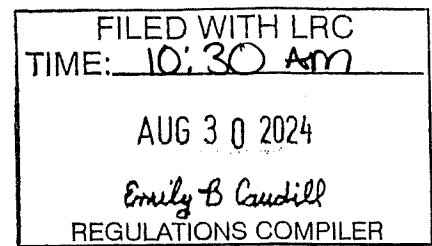
Ultimate Pass Rates - To May 31, 2025 			
Academic Year (9-1/8-31)	Written Exam Pass Rate	OSCE Pass Rate	% passing both to date*
2025-2026	100.0%	-	-
2024-2025	99.3%	97.5%	97.5%
2023-2024	100.0%	97.5%	97.5%
2022-2023	100.0%	96.1%	96.1%
2021-2022	99.3%	98.3%	97.5%
2020-2021	100.0%	97.5%	97.5%
2019-2020	98.8%	97.4%	96.6%
2018-2019	98.0%	92.0%	90.9%
2017-2018	97.3%	97.5%	96.1%

* percentage of passing both for candidates who attempted both

NBEO Ultimate Pass Rates are the candidates who passed all three exam parts in the series

Source: <https://optometriceducation.org/news/national-board-of-examiners-in-optometry-yearly-performance-report/>

<https://oebc.ca/reports/exam-pass-rates/>



1 GENERAL GOVERNMENT CABINET

2 Kentucky Board of Optometric Examiners

3 (Amendment)

4 201 KAR 5:010. Application for licensure; endorsement.

5 RELATES TO: KRS 218A.205(3)(g), 320.220, 320.250, 320.270

6 STATUTORY AUTHORITY: KRS 218A.205(3)(g), 320.240(7), 320.270(4)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.220 requires all persons who practice
8 optometry in this state to be licensed by the Kentucky Board of Optometric Examiners. KRS 320.250
9 establishes criteria for an applicant to apply for a license. KRS 320.270 grants the board the discretion
10 to admit to practice in Kentucky persons licensed to practice optometry in other states. KRS
11 218A.205(3)(g) requires fingerprint-supported criminal record checks and queries to the National
12 Practitioner Data Bank on applicants. This administrative regulation prescribes the procedures to be
13 followed in making application to the board for a license.

14 Section 1.

15 (1) A person wishing to apply for a license to practice optometry shall submit to the board, within
16 fifteen (15) days of board review the following items:

17 (a) A completed Application for License to Practice Optometry;

18 (b) Birth certificate;

19 (c) A certified copy of college transcripts received directly from the registrar's office;

20 (d) A certified copy of optometry school received directly from the registrar's office;

- (e) National board “NBEO” or Canadian OBEO written examination in lieu of Part 1 NBEO results;
- (f) Therapeutic Management of Ocular Disease, “TMOD” results;
- (g) Two (2) letters of recommendation, one (1) of which shall be from a licensed optometrist;
- (h) Proof of successful completion of State Law Exam results;
- (i) A ~~[passport-sized,]~~ recent photograph of head and shoulders, front view;
- (j) Payment ~~[A money order or cashier’s check payable to the Kentucky State Treasurer]~~ in the amount of \$500 representing the non-refundable application fee; and
- (k) Payment ~~[A money order or cashier’s check]~~ in the amount of twenty-five (25) dollars ~~[made payable to the Kentucky State Treasurer]~~ for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services.

(2)

(a) Prior to approval for examination, the board shall review and consider:

1. A national and state, fingerprint-supported criminal record check conducted by the:

a. Federal Bureau of Investigation; or

b. Kentucky State Police; and

2. A query for any relevant data from the National Practitioner Data Bank of the U.S. Department of Health and Human Services.

(b) Both of the items required to be furnished by this subsection shall be less than sixty (60) days old when reviewed by the board.

Section 2.

(1) A person wishing to apply for a license to practice optometry by endorsement shall submit to the board, within fifteen (15) days of board review the following items:

- (a) A completed Application for License by Endorsement to Practice Optometry;
- (b) Verification that the applicant has been licensed in optometry and in active practice the past five (5) years;
- (c) Information regarding any resolved, pending, or unresolved board action or malpractice suit in any state or territory;
- (d) A certified copy of college transcripts received directly from the registrar's office;
- (e) A certified copy of optometry school transcripts received directly from the registrar's office;
- (f) A certificate of good standing from the board where the applicant is currently licensed and from all state boards where the applicant has held a license in the past;
- (g) A copy of the credential that proves the applicant is therapeutically licensed;
- (h) Two (2) letters of recommendation, one (1) of which shall be from a licensed optometrist;
- (i) Proof of successful completion of Kentucky State Law Exam;
- (j) A ~~[passport-sized,]~~ recent photograph of head and shoulders, front view;
- (k) Payment ~~[A certified check or money order made payable to the Kentucky State Treasurer]~~ in the amount of \$700 representing the non-refundable application fee;
- (l) A notarized statement explaining why the applicant wishes to be admitted to practice in Kentucky; and
- (m) Payment ~~[A money order or cashier's check]~~ in the amount of twenty-five (25) dollars ~~[made payable to the Kentucky State Treasurer]~~ for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services to retrieve any relevant data on the applicant.

(2)

1 (a) Prior to approval for licensure, the board shall receive and consider;

2 1. A national and state, fingerprint-supported criminal record check conducted by the;

3 a. Federal Bureau of Investigation; or

4 b. Kentucky State Police; and

5 2. A query for any relevant data from the National Practitioner Data Bank of the U.S.

6 Department of Health and Human Services.

7 (b) Both of the items required to be furnished by this subsection shall be less than sixty (60) days
8 old when reviewed by the board.

9 Section 3.

10 1) A person whose license has been revoked pursuant to KRS 320.280(3) may apply for
11 reinstatement of his or her license.

12 2) Except as provided in subsection (3) of this section, a person applying for reinstatement
13 shall submit to the board;

14 (a) Evidence of completion of the continuing education requirements established in 201
15 KAR 5:030; and

16 (b) Payment of the annual renewal fee established in 201 KAR 5:090, Section 2.

17 3) To apply for reinstatement, an optometrist whose license has been revoked pursuant to KRS
18 320.280(3) shall submit to the board;

19 (a) Evidence of completion of the annual continuing education requirement for each year,
20 or any portion of a year, that the license was not renewed to a maximum of sixty (60)
21 hours; and

22 (b) Payment of the renewal fee established in 201 KAR 5:090, Section 2 [~~\$200~~] for each
23 year, or any portion of year, that the license was not renewed.

1 Section 4. Incorporation by Reference.

2 1) The following material is incorporated by reference;

3 (a) “Application for License to Practice Optometry” , June 2024 [~~August 2012~~]; and

4 (b) “Application for License by Endorsement to Practice Optometry”, June 2024 [~~August~~
5 ~~2012~~].

6 2) This material may be inspected, copied, or obtained, subject to applicable copyright law,
7 at the Kentucky Board of Optometric Examiners, 2365 Harrodsburg Road, Suite A240,
8 Lexington, Kentucky 40504-3333 [~~2624 Research Park Drive, Suite 305, Lexington,~~
9 ~~Kentucky 40511~~] phone (859) 246-2744, Monday through Friday, 9:00 a.m. to 4:30 p.m.
10 [~~8:30 a.m. to 5:00 p.m.~~] .

APPROVED: 8/15/2024

Joe E. Ellis, O.D.

Joe Ellis, OD, President

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on November 21, 2024, at 2:00 p.m. EST, at 2365 Harrodsburg Road, Suite A240, Lexington, KY 40504. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christi LeMay, Executive Director, 2365 Harrodsburg Road, Lexington KY 40504, (859) 246-2744, christi.lemay@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 005:010

Contact Person: Christi LeMay

Phone: (859) 246-2744

Email: christi.lemay@ky.gov

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This amendment will allow an additional path to secure a Kentucky license.
- (b) The necessity of this administrative regulation: Post pandemic, there were a number of optometry school students that could not pass the National boards as required in current Kentucky regulation.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS authorizes the Board to determine license requirements.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment adds an additional path to Kentucky licensure.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: This will allow an additional path to secure a Kentucky license.
- (b) The necessity of the amendment to this administrative regulation: Post pandemic, there were a number of optometry school students that could not pass the National boards as required in current Kentucky regulation.
- (c) How the amendment conforms to the content of the authorizing statutes: KRS authorizes the Board to determine license requirements.
- (d) How the amendment will assist in the effective administration of the statutes: This amendment adds an additional path to Kentucky licensure.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect potential applicants for a Kentucky optometrist license.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: This will give applicants an additional path to get a Kentucky optometrist license.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The potential applicant will need to sit for and pass the OBOE written examination that is done online.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment will give applicants a choice, not require them to take the OBOE written exam and does not incur a cost more than the accepted NBEO Part 1 exam.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will give applicants an additional path to secure a Kentucky optometrist license.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: \$0

(b) On a continuing basis: \$0

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not establish any fees directly or indirectly.

(9) TIERING: Is tiering applied? There are no fees associated with this amendment, therefore there is no tiering.

FISCAL IMPACT STATEMENT

201 KAR 005:010

Contact Person: Christi LeMay

Phone: (859) 246-2744

Email: christi.lemay@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 218A.205(3)(g), 320.240(7), 320.270(4)

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Optometric Examiners

(a) Estimate the following for the first year:

Expenditures: \$0

Revenues: \$0

Cost Savings: \$0

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):
This will not impact any local entities.

(a) Estimate the following for the first year:

Expenditures: \$0

Revenues: \$0

Cost Savings: \$0

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no fees so nothing will change.

(4) Identify additional regulated entities not listed in questions (2) or (3): None

(a) Estimate the following for the first year:

Expenditures: \$0

Revenues: \$0

Cost Savings: \$0

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no fees associated so there will be no difference.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: There is no fiscal impact resulting from this regulation.

(b) Methodology and resources used to determine the fiscal impact: N/A

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate): N/A

(b) The methodology and resources used to reach this conclusion: N/A



KENTUCKY BOARD OF OPTOMETRIC EXAMINERS

APPLICATION FOR LICENSE TO PRACTICE OPTOMETRY

- **This application is for new graduates from optometry school and optometrists that have been practicing less than five (5) years.**

In order for you to apply for optometry licensure in Kentucky, the following must be in this office fifteen (15) days prior to Board review:

1. Completed application
2. Birth certificate
3. Certified copy of college transcripts
4. Certified copy of optometry school transcripts
5. National Board (NBEO)/OBOE written examination results•
6. TMOD results
7. Two letters of recommendation (one by an optometrist)
8. State Law Exam results
9. A recent photograph of head and shoulders, front view
10. A non-refundable check, money order, or cashier's check payable to Kentucky State Treasurer in the amount of \$500
11. A non-refundable check, money order, or cashier's check for \$25 made payable to Kentucky State Treasurer for HIP-DB Query
12. Results of a criminal background check, ordered and paid for by the applicant, and mailed to the Board Office within 60 days of application.

• Parts I, II, & III of the National Boards will be REQUIRED for licensure in Kentucky. All required parts of the NBEO must have been successfully taken within five (5) years of the date of application per 201 KAR 5:010 Sec. 3. Successful passage of the Canadian OBOE written examination will be accepted in place of Part I of the NBEO.

PLEASE TYPE OR PRINT AND ANSWER ALL QUESTIONS.			
APPLICANT INFORMATION			
Name of applicant (Last, first, middle, maiden)			Social Security number
Address (Number, street or rural route)			
City, state, ZIP code		Email Address	
Telephone number (Daytime)	Date of Birth	Place of Birth	

PROFESSIONAL EDUCATION (SCHOOL OF OPTOMETRY)				
Name of School	Location	FROM MONTH/YEAR	TO MONTH/YEAR	DEGREE

List all states, in which you hold or have held a license to practice Optometry.			
STATE	NUMBER	DATE ISSUED	CURRENT STATUS

Preferred address to which license should be mailed when issued:

NOTE:	If your answer is "Yes" to any of the following, explain fully in a signed and notarized statement, including all related details. Include the violation, location and date. If malpractice, provide name(s) of plaintiffs(s). Letters from attorneys or insurance companies are not accepted in lieu of your statement. Falsification of any of the following is grounds for permanent revocation of a license, certification or permit issued pursuant to this application.		
1.	Have you ever previously filed an application in the State of Kentucky?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	Has your license ever been suspended or revoked?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.	Do you have any unresolved disciplinary actions pending against your license?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	Has disciplinary action even been taken regarding any health license that you hold or have held?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.	Have you ever been convicted of a felony or misdemeanor, (other than minor violations of traffic laws) in any state or country?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.	Have you ever had a malpractice settlement or judgment against you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7.	Do you now have a substance abuse problem that may affect your ability to practice?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

8. What month and year did you complete the National Boards? _____

9. Are you a citizen or a legal resident of the United States? _____

ATTESTATIONS

(a) I hereby give my permission for the Kentucky Board of Optometric Examiners to secure additional information concerning me or any of the statements in this application from any source the Board may desire. (b) I further agree to submit to questioning by the Board or any member thereof, and to substantiate my statements if desired by the board. I, the applicant, herein state that all facts, statements and answers contained in this application are true and correct; I am not omitting any information which might be of value to this Board in determining my qualifications, whether it is called for or not; and I agree that any falsification, omission, or withholding of pertinent information or facts concerning my qualifications as an applicant shall be sufficient to bar me from this or any future examination given by the Kentucky Board of Optometric Examiners and any such falsification, omission, or withholding shall serve as sufficient grounds for the revocation, cancellation, or suspension of my Kentucky License if it is not discovered until after issuance.

I certify that I have read Chapter 320 of the Kentucky Revised Statutes, and the administrative regulations relative to the practice of optometry (copies having been furnished to me by the Kentucky Board of Optometric Examiners). I further certify that I understand I shall be registered by KASPER if I have a DEA number and shall be registered by KASPER if I prescribe or intend to prescribe controlled substances.



KENTUCKY BOARD OF OPTOMETRIC EXAMINERS

APPLICATION FOR LICENSE BY ENDORSEMENT TO PRACTICE OPTOMETRY

► This application is for optometrists that have been practicing five (5) years or more.

In order for you to apply for licensure by endorsement in Kentucky, the following must be in this office fifteen (15) days prior to Board review:

1. Completed application
2. Certified copy of college transcripts
3. Certified copy of optometry school transcripts
4. Recent photograph of head and shoulders, front view
5. Verification that you have been licensed in optometry and in active practice the past five (5) years
6. Information regarding any resolved, pending, or unresolved board action or malpractice suit in any state or territory
7. Certificate of good standing from the board where you are currently licensed and from all state boards where you have held a license in the past
8. Copy of credential that proves you are therapeutically licensed
9. Two letters of recommendation (one by an optometrist)
10. A notarized statement explaining why you wish to be admitted to practice in Kentucky
11. Proof of successful completion of Kentucky State Law Exam
12. A non-refundable check, money order, or cashier's check payable to Kentucky State Treasurer in the amount of \$700.00
13. A non-refundable check, money order, or cashier's check for \$25 made payable to Kentucky State Treasurer for HIP-DB Query
14. Results of a criminal background check, ordered and paid for by the applicant, and mailed to the Board Office within 60 days of application.

PLEASE TYPE OR PRINT AND ANSWER ALL QUESTIONS.			
APPLICANT INFORMATION			
Name of applicant (Last, first, middle, maiden)			Social Security number
Address (Number, street or rural route)			
City, state, ZIP code		Email Address	
Telephone number (Daytime)	Date of Birth	Place of Birth	

PROFESSIONAL EDUCATION (SCHOOL OF OPTOMETRY)				
Name of School	Location	FROM MONTH/YEAR	TO MONTH/YEAR	DEGREE

--

List all states, in which you hold or have held a license to practice Optometry.			
STATE	NUMBER	DATE ISSUED	CURRENT STATUS

Give address to which license should be mailed when issued:

NOTE:	If your answer is "Yes" to any of the following, explain fully in a signed and notarized statement, including all related details. Include the violation, location and date. If malpractice, provide name(s) of plaintiffs(s). Letters from attorneys or insurance companies are not accepted in lieu of your statement. Falsification of any of the following is grounds for permanent revocation of a license, certification or permit issued pursuant to this application.		
1.	Have you ever previously filed an application in the State of Kentucky?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	Has your license ever been suspended or revoked?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.	Do you have any unresolved disciplinary actions pending against your license?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	Has disciplinary action even been taken regarding any health license that you hold or have held?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.	Have you ever been convicted of a felony or misdemeanor, (other than minor violations of traffic laws) in any state or country?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.	Have you ever had a malpractice settlement or judgment against you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7.	Do you now have a substance abuse problem that may affect your ability to practice?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

8. What month and year did you complete the National Boards? _____

9. Are you a citizen or a legal resident of the United States? _____

(a) I hereby give my permission for the Kentucky Board of Optometric Examiners to secure additional information concerning me or any of the statements in this application from any source the Board may desire. (b) I further agree to submit to questioning by the Board or any member thereof, and to substantiate my statements if desired by the board. I, the applicant, herein state that all facts, statements and answers contained in this application are true and correct; I am not omitting any information which might be of value to this Board in determining my qualifications, whether it is called for or not; and I agree that any falsification, omission, or withholding of pertinent information or facts concerning my qualifications as an applicant shall be sufficient to bar me from this or any future examination given by the Kentucky Board of Optometric Examiners and any such falsification, omission, or withholding shall serve as sufficient grounds for the revocation, cancellation, or suspension of my Kentucky License if it is not discovered until after issuance.

I certify that I have read Chapter 320 of the Kentucky Revised Statutes, and the administrative regulations relative to the practice of optometry (copies having been furnished to me by the Kentucky Board of Optometric Examiners). I further certify that I understand I shall be registered by KASPER if I have a DEA number and shall be registered by KASPER if I prescribe or intend to prescribe controlled substances.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The “Application for License to Practice Optometry” and “Application for License by Endorsement to Practice Optometry” forms are both 2-page application forms that optometrists are required to file for licensure to practice in Kentucky. KRS 320.250 requires optometrists to complete an application form prescribed by the board.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

The “Application for License to Practice Optometry” and “Application for License by Endorsement to Practice Optometry” are both 2-page application forms that optometrists are required to file before practicing optometry in the state.

Page 1 of the “Application for License to Practice Optometry” was amended to comply with proposed regulatory changes in the types of examinations acceptable for an optometrist to obtain a license in Kentucky.

Page 2 of both applications was amended to remove the collection of data regarding the applicants’ parents name and mailing address to apply.

Agenda Item #4

9 pages

Key statement: Dr McIntosh and his colleges report part 1 of NBEO is more difficult than initial portion of the Optometry Examining Board of Canada (OEBC) Written Exam. Possibly 10-20% more difficult. However, the remaining parts of the written exam and the clinical portion, Objective Structured Clinical Exam, are equally difficult to the NBEO.

Supporting documentation;

Scott McIntosh, OD (class of 2002 Waterloo School of optometry) part owner Barrhaven Optometric Centre Ottawa, Ontario, Canada

Interviewed president of College of Optometrists of Ontario, Mark Eltis, OD

Interviewed colleges of various graduating years especially the youngest OD's at his 8 doctor multi-location practice in Ottawa Canada. Some had taken the NBEO and most took the OEBC.

Ontario accepts passing test results from the:

National Board of Examiners in Optometry, Charlotte, NC <https://nbeo.optometry.org/> or 800-969-EXAM

Or

Optometry Examining Board of Canada Stouffville, ON, CA www.oebc.ca or 905-642-1373

The OEBC Written Exam and OSCE (Objective Structured Clinical Exam) tests whether candidates can demonstrate the entry-level competencies the profession has determined are required to enter the practice of optometry in Canada.

Sets the 92 competencies, grouped into nine areas of practice, optometrists require for safe, effective and ethical practice when entering the profession. The competency profile was: • Developed by a group of optometrists in 2014 • Validated through a national survey of optometrists in 2015 • Approved by OEBC's board of directors in 2015

Tests if a candidate can demonstrate the competencies the profession has determined are required to enter the practice of optometry. • Written Exam – one-day, paper exam comprised of 62 cases • OSCE – 3.5-hour practical exam comprised of 16 stations that emphasize clinical reasoning and professional judgement. • Employs Standardized Patients

Understanding the OEBC Exam

The OEBC exam (Written exam and OSCE) is a competency-based exam testing integrated skills and knowledge grounded in optometric competencies. Optometrists across Canada participated in a survey in 2015 to establish the competencies. The National Competency Profile for Entry-Level Optometry (2015) is the result of this survey, and outlines the competencies required for the practice of optometry.

Exam	Assesses	Competency assessed through...	To pass candidate must...
Written	<ul style="list-style-type: none"> Communication Professionalism Patient Centered Care Assessment Diagnosis & Planning Patient Management Collaborative Practice Scholarship Practice Management 	A multiple-choice written exam based on 62 comprehensive cases with four test items per case	
OSCE	<ul style="list-style-type: none"> Communication Professionalism Patient Centered Care Assessment Diagnosis & Planning Patient Management Collaborative Practice Scholarship Practice Management 	An Objective Structure Clinical Exam (OSCE) with 16 stations; 11 stations are interactive stations with standardized patients; the remaining 5 stations are non-interactive.	Meet or exceed the minimum level of performance as determined by members of the profession using the <i>Angoff cut-score setting method</i> .

2018-19 ADMINISTRATION RESULTS

The OSCE and Written examination are based on the exam blueprint available at www.oebc.ca. The Written and OSCE blueprints list the practice areas and their weightings; each practice area has a list of "competencies." A competency is the ability to perform a practice task with a specified level of proficiency.

The OEBC 2018-19 Administration Scorecards provide pass rates by candidate subgroup and by attempt. The first Scorecard reports the In-Cycle Pass rate, 85.9%, as well as the Total Pass Rate, 85.2%. The second Scorecard reports the Multi-Cycle Pass Rate, which was 81.3%. The Total Pass Number, i.e. total number of candidates who have met the examination requirement for registration/licensure in 2018-19, was 196.

OEBC Scorecard — 2018-19 Administration Cycle

2018-19 ADMINISTRATION RESULTS

	Canadian			US			International			In-Cycle Pass Rate	Total Pass Rate
	First Attempt	Second Attempt	Total CDN	First Attempt	Second Attempt	Total US	First Attempt	Second Attempt	Total INT		
Candidate Totals	89/96	NA	89/96	60/76	4/8	64/84	15/16	2/2	17/18	170/198	196/230
Pass Rate	92.7%	NA	92.7%	78.9%	50.0%	76.2%	93.8%	100%	94.4%	85.9%	85.2%

The reporting period is October 1 to September 30

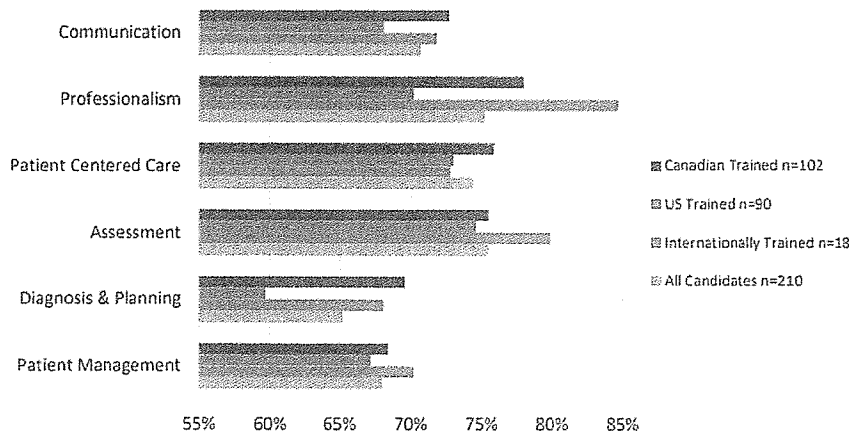
A pass is conferred on a *candidate* when he/she meets or exceeds the minimum performance level for each exam component.

12

OEBC Exam Summary Report 2018-19

OSCE - First-Attempt Candidate Performance Across Practice Areas, by subgroup

2018-19 ADMINISTRATION RESULTS

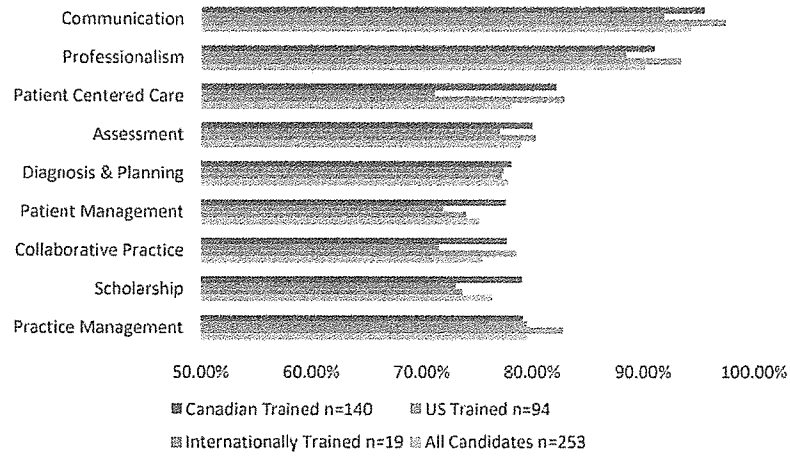


For first-attempt candidates taking the OSCE, the performance was strongest in the practice areas of, Professionalism, Assessment and Patient Centered Care.

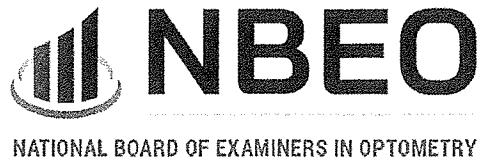
26

OEBC Exam Summary Report 2018-19

Written Exam - First-Attempt Candidate Performance Across Practice Areas, by subgroup



409



2024 Changes and Announcements

Released: January 24, 2024

The National Board of Examiners in Optometry® (NBEO®) expresses sincere appreciation to all who assisted in advancing the assessment of optometric competency in 2023. We are committed to public protection through the development, administration, scoring, and reporting of examinations that reflect contemporary optometry. As we begin 2024, please review the following key updates and organizational announcements.

Departing Board Members

At the end of 2023, Dr. Lewis Reich and Mr. John Sicotte completed their second terms as members of the NBEO board of directors and rotated off the board. We are very appreciative of their time and dedication to the mission of NBEO over the last eight years.



Dr. Lewis Reich



Mr. John Sicotte

New Board Members

NBEO is pleased to welcome two new members to its board of directors with four-year terms that began on January 1, 2024: Dr. Daniel Taylor and Ms. Erica Brown. Dr. Taylor is the Dean of the Michigan College of Optometry Ferris State University. Ms. Brown currently serves as the Director of Certification at ASIS International.



Dr. Daniel Taylor



Ms. Erica Brown

New Exam Registration System Launched

NBEO launched a new exam registration system earlier this month that is designed to enhance the candidate experience with an updated, friendlier user interface. The new system also has increased performance capabilities, including the ability to serve more concurrent users during peak registration periods.

Please review the Registration User Guide [here](#) if you have not already done so. You can access the new registration system under the Registration tab on the [NBEO website](#).

New Part III PEPS Examination Coming August 2024

In August of last year, we announced the new Part III Patient Encounters and Performance Skills (PEPS®) examination will launch in August 2024 and replace the current Part III CSE® (Clinical Skills Examination). The new Part III exam will evaluate essential skills and measure a candidate's ability to apply evidence-based knowledge to patient care. For more information regarding Part III PEPS please visit the [website](#).

In the months prior to exam launch, NBEO will continue pilot testing and finalizing the examination software. Registration for the Part III PEPS exam will open on **Tuesday, March 26, 2024, at 9:00 pm EST**. More information, including a computer software tutorial, will be posted to the NBEO website in the coming weeks.

Practicing optometrists interested in submitting cases for the Part III PEPS examination, may apply for authorship on the [subject matter expert webpage](#).

LSPE® Registration Opens in March

Registration for the Laser and Surgical Procedures Examination (LSPE®) will open for the upcoming administrative year on March 26, 2024. Registration is open to 4th-year optometric students,

optometric residents, and optometric practitioners. The number of candidates taking LSPE continues to grow.

LSPE is the only nationally standardized examination, measuring competency in optometric laser and surgical skills, decision-making, and patient management. Candidates may register to take LSPE in its entirety or have the option to take the laser or surgical sections separately as needed. For more information, visit the [LSPE webpage](#).

Part I ABS® Practice Items Databank and Part II PAM®/TMOD® Practice Items Databank Available*

Last year, NBEO launched two new subscription-based, online tools to help candidates prepare for the Part I Applied Basic Science (ABS®) and Part II Patient Assessment & Management / Treatment and Management of Ocular Disease (PAM®/TMOD®) examinations.

Candidates may subscribe to the Practice Items Databank(s) after registering for the respective examination(s). We continue to add additional content to the practice databanks. Click on the following links for more information about each tool: [Part I ABS Practice Items Databank](#) or [Part II PAM/TMOD Practice Items Databank](#).

Fees for Examinations Administered Beginning in August 2024

During its annual, comprehensive financial review, NBEO leadership determined that a slight increase in examination fees will occur for examinations administered beginning in August. NBEO leadership understands that exam fees can be a challenge for many candidates. Therefore, any potential increase in fees is discussed at length after a thorough analysis of costs incurred over the past year and those projected for the year ahead. Fee increases are only determined as needed to offset expenses and maintain high-quality examinations that meet the needs of the regulatory boards. The new fees can be found on our [website](#).

As always, we appreciate your ongoing support, and look forward to working with you in 2024. Questions may be sent to nbeo@optometry.org.

*NOTE: SUBSCRIPTION TO AND/OR COMPLETION OF THE PART I ABS PRACTICE ITEMS DATABANK OR PART II PAM/TMOD PRACTICE ITEMS DATABANK DOES NOT GUARANTEE A PASSING SCORE ON ANY NBEO EXAMINATION.

About NBEO — Established in 1951, NBEO is an independent, non-governmental, non-profit organization whose examinations are universally accepted for optometric licensure in the United States and accepted internationally. NBEO's mission is to protect the public by developing, administering, scoring, and reporting results of valid examinations that assess competency in optometry.

NBEO Examination		Fee for Examinations Administered Through July 2024
Part I ABS		\$1380
Part II PAM		\$1380
Part III CSE		\$1380
TMOD		\$585
ISE		\$325
Laser Section of LSPE		\$1170
Surgical Section of LSPE		\$1170
ACMO**		\$1015
Remote Online State Law Exam***		\$35
In-House Online State Law Exam		\$130
Late Registration Fee***		\$400

*The ACMO exam has a 2-tiered fee structure. The standard exam fee is \$1015; however, there is a reduced fee of \$625 for current residents who sit for the test during the residency-year in which they complete their residency program. All candidates are encouraged to consult their tax advisor regarding the potential tax deductibility of the exam fee.

NBEO Examination	Fee for Examinations Administered Beginning August 2024
Part I ABS	\$1445
Part II PAM	\$1445
Part III PEPS	\$1445
TMOD	\$610
ISE	\$340
Laser Section of LSPE	\$1230
Surgical Section of LSPE	\$1230
ACMO**	\$1065
Remote Online State Law Exam***	\$35
In-House Online State Law Exam	\$135
Late Registration Fee***	\$400



Association of Regulatory Boards of Optometry, Inc.

Association of Regulatory Boards of Optometry

3440 Toringdon Way
Suite 205 PMB #20533
Charlotte, NC 28277

Tel: (704) 970-2710
Fax: (888) 703-4848
Email: arbo@arbo.org

To: Members of the Interim Joint Committee on Health Services
From: Association of Regulatory Boards of Optometry
Date: May 13, 2025
Re: Concerns Regarding Proposed Amendment to 201 KAR 5:010

The Association of Regulatory Boards of Optometry is a 501(c)(3) not-for-profit organization whose membership is comprised of regulatory boards of optometry in the US, Canada, Australia and New Zealand. We would like to express our significant concerns regarding the proposed amendment to 201 KAR 5:010. We ask you to bring this matter before the full Interim Joint Committee on Health Services for an in-depth discussion and that you vote against this amendment. The amendment will allow the Optometry Examining Board of Canada (OEBC) written examination to be accepted for optometric licensure in Kentucky as an alternative to the nationally recognized National Board of Examiners in Optometry (NBOE) Part 1 Applied Basic Sciences Exam. We believe this would be detrimental to the health and safety of Kentucky citizens, increasing the risk of inappropriate optometric care.

We ask you to consider the following points:

The Exams are NOT Equivalent: NBOE's Part I Exam tests the basic biomedical science concepts necessary for practicing optometry. In contrast, the OEBC Written Exam evaluates how optometrists respond to clinical situations in case-based scenarios. Knowledge of biomedical sciences is crucial for providers of optometric care to ensure public safety. In addition, the NBOE Exam is developed based on the scope of optometric practice in the US to ensure validity and relevance to US licensing boards. The OEBC written exam is designed by Canadian optometrists based on the scope of practice in Canada. It is important to note that Kentucky licensed optometrists can utilize lasers and perform minor surgical procedures that are not allowed in any Canadian province. Therefore, an exam developed based on the Canadian health care system is not a valid tool to assess the competence of optometrists who will practice in Kentucky.

Lowering Standards: In its Regulatory Impact Analysis for the proposed changes, the Kentucky Board of Optometric Examiners (KBOE) stated the reason for the amendment was because "...many individuals in Kentucky have failed the NBOE Part I Exam multiple times." The KBOE also suggests that the change will "add an additional path to Kentucky licensure" and "will help access to health care." The goal of improving healthcare access should not come at the expense of safety. The primary responsibility of licensing boards must be to protect the public by ensuring that all licensed optometrists meet the same standard of competency. Lowering this standard to create an easier route to licensure could result in compromised care, particularly in underserved areas.

Public Safety Concerns: Licensing boards prioritize public safety, and the quality of care provided to patients. If an exam is allowed which has not been proven to be equivalent to the long-standing nationally recognized exam, there are concerns about whether it adequately evaluates an optometrist's competency. Kentucky has been commended for expanding the scope of optometric care to enhance access for patients. However, this amendment introduces an unacceptable level of risk to the public. Kentucky will be taking a step backwards by lowering licensure standards and potentially jeopardizing the quality of healthcare to increase access.

Kentucky Will be an Outlier: No other US state or territory accepts the OEBC Exam for licensure. Kentucky would be the only state to do so which would undermine the mobility and portability of Kentucky licensed optometrists. If the amendment is approved, a barrier will be created for Kentucky optometrists isolating them because the requirements in Kentucky will differ significantly from those of other US optometry boards.

We respectfully request that you bring this issue to a full committee hearing, carefully weigh the testimony presented, and critically assess whether this proposed change truly serves the best interests of patients in Kentucky. We urge you to vote **NO** on this amendment.

Sincerely,

A handwritten signature in black ink, reading "Lisa Fennell". The signature is written in a cursive, flowing style.

Lisa Fennell, ARBO Executive Director/CEO

On behalf of the ARBO Board of Directors:

Jeffery Yunker, OD, President
Terri Haley, OD, Vice President
Margaret Whelan, MPA, Secretary-Treasurer
Eric Bailey, OD, Director
James Campbell, OD, Director
Luanne Chubb, OD, Director
Glenn Kawaguchi, OD, Director
Gerard Lozada, OD, Director
Patrick O'Neill, OD, Director
Linda Tharp, OD, Director



2777 Zelda Road
Montgomery, AL 36106
(334) 420-7227
www.farb.org

May 19, 2025

Dr. Joe Ellis, Chair
Christi LeMay, Executive Director
Kentucky Board of Optometric Examiners
100 Consumer Lane
Frankfort, KY 40601

Dear Members of the Kentucky Board of Optometric Examiners,

On behalf of the Executive Board of the Federation of Associations of Regulatory Boards (FARB), we submit this letter regarding the proposed amendment to 201 KAR 5:010, which would allow the written portion of the Canadian Optometry Examining Board of Canada (OEBC) examination to substitute for the National Board of Examiners in Optometry (NBEO) Part I examination currently required for licensure in Kentucky.

FARB is a national federation representing regulatory boards and agencies across numerous licensed professions. Our mission is to promote public protection and regulatory excellence by providing education, best practices, and leadership on licensure and credentialing matters.

We respectfully express our concern over the proposed regulatory amendment for the following reasons:

1. National Standards Safeguard Public Protection. Nationally recognized, psychometrically validated examinations like the NBEO ensure that all U.S. licensees meet minimum qualifications aligned with U.S. scope of practice, legal frameworks, and public health needs. These exams are regularly updated through rigorous industry-standard methods, including job task analyses, statistical validation, and input from U.S. practitioners, educators, and regulators. Allowing an alternative exam not developed or validated for the U.S. context risks introducing critical gaps in assessing essential competencies, particularly foundational basic sciences crucial for safe optometric care.

2. Lack of Equivalency or Validation Studies. While the OEBC written examination may be a valid tool for Canadian licensure, no formal equivalency study has been conducted to demonstrate its alignment with U.S. optometric practice, law, or public safety expectations. Without this validation, there is no evidence the OEBC exam covers essential knowledge areas measured by NBEO Part I, undermining the board's ability to legally and defensibly ensure candidates meet minimum competence.

3. Legal and Oversight Risks. Licensing boards have a legal responsibility to rely on assessments that meet psychometric and legal defensibility standards. The NBEO, through its established processes and oversight committees, provides transparency, accountability, and defense-ready evidence to regulatory boards. The OEBC, as a foreign examination, lacks U.S.-based oversight mechanisms, meaning the Kentucky board could face heightened legal exposure if challenged on licensure decisions or if public harm occurs.

4. Alignment with Education. U.S. optometric education programs are designed to prepare students for licensure under the NBEO examination system. Introducing an alternative, non-U.S.-validated exam disrupts the alignment between education and licensure, potentially confusing candidates, creating mismatches between training and assessment, and compromising graduate preparedness. This disconnect threatens the integrity of the entire licensure pipeline, from education to safe entry into practice.

5. Threats to National Portability and Licensee Mobility. Adopting an alternative exam not recognized by other U.S. states isolates Kentucky licensees, effectively confining their licensure and practice to Kentucky alone. This creates unnecessary barriers to professional mobility, fragments national licensure standards, and undermines uniformity—an outcome FARB members actively work across professions to prevent.

6. Risks of Perceived Standard-Lowering. We note the Regulatory Impact Statement's reference to candidates struggling to pass NBEO Part I. However, the purpose of competence exams is precisely to set and uphold the minimum threshold for safe, qualified entry to practice. Bypassing or replacing such exams without robust evidence risks lowering standards and eroding public trust.

FARB's Position

As a cross-professional organization dedicated to advancing regulatory best practices, FARB strongly recommends that any consideration of alternative or international examinations be accompanied by a formal validation process, robust comparability studies, and assurance that public health, safety, and welfare remain fully protected. We caution against regulatory changes that fragment licensure systems, reduce legal defensibility, or introduce unsupported pathways by clear, evidence-based analysis.

We commend the Kentucky Board of Optometric Examiners for its commitment to ensuring qualified practitioners serve the public and stand ready to provide guidance, resources, or further discussion on this important issue.

Thank you for your thoughtful consideration.

Sincerely,



Michael Armstrong
President, Executive Board
Federation of Associations of Regulatory Boards (FARB)

cc:

Lisa Fennell, Executive Director/CEO, Association of Regulatory Boards of Optometry (ARBO)
Jill Bryant, Executive Director, National Board of Examiners in Optometry (NBEO)



National Association of VA Optometrists ♦ NAVAO

PO Box 752881

Las Vegas, NV 89136

www.navao.org ♦ info@navao.org

12 May, 2025

Re: regulatory amendment to 201 KAR 005:010

Executive Committee

Molly McGinty-Tauren, O.D.
President

Jarett Mazzarella, O.D.
Vice-President

Megan Tomsik, O.D.
Secretary

Andrew Crist, O.D.
Treasurer

Kevin Mercado, O.D.
Immediate Past President

Board Members

Katherine Wang, O.D.

Tran Nguyen O.D.

Jennifer Tong, O.D.

Alicia Kelly, O.D.

Robert Binkley, O.D.

Lisa Beard, O.D.

Nancy Shenouda-Awad, O.D.

To the Members of the Legislative Review Committee,

The National Association of VA Optometrists (NAVAO) respectfully submits this letter to express our concerns regarding the recent proposal by the Kentucky State Board of Optometry to allow the written portion of the Optometry Examining Board of Canada (OEBC) examination as a substitute for Part I of the National Board of Examiners in Optometry (NBEO) examination.

While we commend the Kentucky Board for its longstanding leadership in protecting patient access to high-quality eye care—indeed, Kentucky maintains one of the most progressive scopes of optometric practice in the United States—we find it alarming that such an advanced patient care environment would now be associated with a significant deviation from national licensure standards.

According to the current Veterans Health Administration (VHA) Optometrist Qualification Standard [VA Handbook, Part II, Appendix G5, effective April 15, 2002], candidates must hold a valid license to practice optometry in a U.S. state, territory, commonwealth, or the District of Columbia. Moreover, to be promoted to the Intermediate grade level, an optometrist must have successfully completed all parts of the NBEO examination. Kentucky becoming an outlier in no longer requiring NBEO Part I poses both administrative complications for initial federal appointment and significant barriers to professional advancement within the VA system.

Further, we are deeply concerned about the potential long-term consequences to the credibility and portability of the Kentucky optometry license. No other U.S. state currently accepts a foreign licensure examination as a substitute for the NBEO. This is unprecedented not only in optometry but also across other doctoral-level health professions.

The NBEO examination, particularly Part I, assesses the foundational scientific knowledge required for safe and competent clinical practice. To our knowledge, there has been no rigorous, peer-reviewed study comparing the OEBC and NBEO examinations for equivalency. Compounding this concern is the fact that Canada does not accept the NBEO for licensure, raising further questions about reciprocity and standards alignment.

In light of these issues, we respectfully urge the Committee to investigate the rationale behind this decision and to consider placing a hold on its implementation. We strongly recommend that no changes be finalized until a formal, independent study of examination equivalency is conducted and until public safety implications are fully addressed.

We appreciate your attention to this matter and welcome the opportunity to contribute further to this important discussion.

Respectfully,

A handwritten signature in black ink, appearing to read 'Molly McGinty-Tauren, O.D.', with a stylized flourish at the end.

Molly McGinty-Tauren, O.D., FAAO
President
National Association of VA Optometrists





625 N Washington Street, Suite 400
Alexandria, VA 22314
ISC2.org

June 9, 2025

Dr. Jill Bryant, OD
Executive Director National Board of Examiners in Optometry (NBEO)
200 S. College Street, #2010
Charlotte, NC 28202
USA

Delivered Via Email

Dear Dr. Bryant:

Thank you for the recent conversation and the invitation to discuss the significant risks associated with online/remote proctoring.

ISC2 is the world's largest and oldest non-profit member organization for cybersecurity professionals, driven by our vision of a safe and secure cyber world. Our award-winning certifications – including cybersecurity's premier certification, the CISSP® – enable professionals to demonstrate their knowledge, skills and abilities at every stage of their careers. Our more than 265,000 certified members, and associates lead the profession with the same shared vision.

Due to the highly valuable nature of our exam content and our global ANSI/ISO/IEC 17024 accreditation status, ISC2 has traditionally utilized the most secure exam delivery available in the commercial assessment marketplace. Since moving to Computer-Based Testing (CBT) in 2009, ISC2 has partnered exclusively with Pearson VUE, the market leader for examination delivery. Furthermore, ISC2 has been the industry leader in examination security. We have a duty to ensure all ISC2 credential holders – now and in the future – who have invested time and resources to prepare for and pass an ISC2 examination can trust that their certification will maintain its value for the long term. We cannot and will not create any doubt about the integrity of our exam process and the qualifications of those passing our examinations.

Under no circumstances has ISC2 ever utilized any form of online proctoring. To be clear, there are at least two significant risks associated with online proctoring. The first risk is the ability for individuals to utilize unauthorized aids during an exam to help them pass when they otherwise would not; and the second risk is the ability to remove exam content in part or total from an uncontrolled physical environment during online delivery. The loss of an exam form or item pool could lead to a breach declaration and potentially to mass invalidation of results.

A safe and secure cyber world



625 N Washington Street, Suite 400
Alexandria, VA 22314
ISC2.org

As the leader in cybersecurity qualifications, ISC2 has conducted two online proctoring pilot examinations. Each pilot, utilizing the latest examination delivery and security technology, resulted in a complete loss of the examination form and invalidation of results for most candidates. At this time, there is no delivery technology that ameliorates the cybersecurity and criminal risks associated with online proctoring. Despite promises of convenience, online proctoring is not fit for high stakes examination programs; certainly not for examination programs where public health or safety is paramount.

To ensure the highest level of integrity in our examination results, ISC2 enforces a stringent security posture – especially when evaluating candidates’ testing environments, whether it be center-based or online. We constantly monitor and test the environment and provide evaluations of suspicious and fraudulent activity; when we do see something, action is taken. For these reasons ISC2 would recommend against any licensing agency substituting an exam delivered in a secure testing center with an exam delivered online. NBEO is welcomed to share this letter with lawmakers and policy makers.

Sincerely,

A handwritten signature in black ink, appearing to read "Casey Marks". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Casey Marks, PhD, CAE
Chief Qualifications Officer

ISC2
625 N Washington Street, Suite 400
Alexandria, VA 22314
United States

STATE OF NEVADA

JOE LOMBARDO
Governor



DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAEERER
Deputy Directors

ADAM SCHNEIDER
Executive Director

**DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF OPTOMETRY**

Members of the Kentucky Interim Joint Committee on Health Services:

On behalf of the Nevada State Board of Optometry as its Executive Director, I am writing to oppose the proposed amendment to 201 KAR 5:010 to accept the Optometry Examining Board of Canada (OEBC) written exam as an alternative to the National Board and Examiners in Optometry (NBEO) Part I Exam for licensure in Kentucky.

Knowing of 201 KAR 5:010, this issue is of such significance to avoid this false equivalence between the OEBC and NBEO Part I that in the best interests of the public the Nevada State Board of Optometry has proposed and sponsored a bill to add an additional section to its license by endorsement statute (NRS 636.206). Eligibility for a Nevada license can only occur if the applicant/non-Nevada optometrist "[h]as passed each part of the comprehensive national optometry examination administered by the National Board of Examiners in Optometry or its successor as a prerequisite to the issuance [of a Nevada license]." This proposal passed 42-0 in the Assembly and 21-0 in the Senate, and we expect it to become Nevada law in 10/2025.

As an optometry licensing board, we are concerned about the potential ramifications of the regulation amendment. The proposed change has the potential to permit optometry graduates, who may have failed NBEO Part I Exam six times, to take the OEBC written Exam and obtain a Kentucky license. With that license, these optometrists could then apply for a license through reciprocity or endorsement in another state. The reason for the change listed in the Impact Analysis is because "a number of students could not pass the NBEO Exams." We feel that those students need additional education to improve their knowledge and skills, not a lowering of the standards for licensure.

The NBEO is a widely respected organization that is recognized across all states and territories in the United States for optometric licensure. Use of the NBEO Exams ensures uniformity and consistency in the qualification of optometrists to enter practice and allows for license mobility across the country. The NBEO Part I Exam is a multiple-choice exam that tests the basic biomedical science concepts necessary to enter the clinical practice of optometry. The OEBC Written Exam is case-based and assesses clinical thinking and decision making with an emphasis on assessment, diagnosis and planning, and patient management. The two exams are not equivalent, and one should not be substituted for the other to assess the competency of optometric students.

The proposed amendment does not protect the health and safety of the citizens of Kentucky. The Nevada State Board of Optometry is opposed to this proposed regulatory change by the KBOE due to concerns related to public protection, consistency, and the confusion that will arise from this modification.

Sincerely,

/s/ Adam Schneider
Adam Schneider, Esq.



Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

Maryland Board of Examiners in Optometry
4201 Patterson Avenue, Suite 307
Baltimore, Maryland 21209
<https://health.maryland.gov/optometry>
mdh.optometry@maryland.gov
Phone: 410-764-4710
Fax: 410-358-2906

July 1, 2025

Members of the Kentucky Interim Joint Committee on Health Services:

On behalf of the Maryland Board of Examiners in Optometry, I am writing to oppose the proposed amendment to 201 KAR 5:010 to accept the Optometry Examining Board of Canada (OEBC) written exam as an alternative to the National Board and Examiners in Optometry (NBEO) Part I Exam for licensure in Maryland.

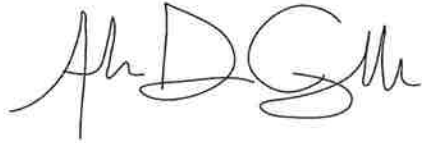
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The proposed amendment does not protect the health and safety of the citizens of Maryland. The Maryland Board of Optometry is opposed to this proposed regulatory change by the KBOE due

to concerns related to public protection, consistency, and the confusion that will arise from this modification.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Dean Gogerdchi'. The signature is fluid and cursive, with the first letter 'A' being large and prominent.

*A. Dean Gogerdchi, O.D., President
Maryland Board of Examiners in Optometry*

<p>Katie Hobbs Governor</p> <p>Kelly Moffat, O.D. President</p> <p>Stephanie Mastores, O.D. Vice President</p>	<div data-bbox="717 100 902 268" data-label="Image"> </div> <p>Arizona State Board of Optometry 1740 West Adams St., Suite 3003 Phoenix, AZ 85007</p>	<p>Margaret Whelan Executive Director</p>
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November 29, 2024

Ms. Christi LeMay, Executive Director
Kentucky Board of Optometric Examiners
2365 Harrodsburg Rd., Suite A240
Lexington, KY 40504

RE: Proposed language changes and the use of OBEC exam in lieu of NBEO

Dear Ms. LeMay,

The Arizona State Board of Optometry (“Board”) strongly **opposes** the proposed changes to the language in the Kentucky optometry licensing regulations, specifically the substitution of "OBEC for NBEO" as stated in Section 1, subsection (1)(e) of the proposed language, and the broader impact this would have on the licensing process. This opposition is grounded in concerns related to public protection, consistency, professionalism, and the potential confusion that may arise from this modification. Also, it should be noted that the exam is called Optometry Examining Board of Canada exam (“OEBC”), not OBEO.

The Importance of National Consistency in Licensing Examinations

The National Board of Examiners in Optometry (“NBEO”) is the recognized and established body responsible for administering the national examinations that assess the competency of optometry candidates. The NBEO is widely respected and recognized across all states and territories in the United States as the definitive authority for optometric licensure. Using the NBEO exams as the standard for licensure ensures “national consistency” in the education, training, and qualifications of optometrists and is the only one recognized (in statute) for licensure by the Arizona Board.

By replacing NBEO with OBEC in the proposed regulation, Kentucky would be creating a divide between state requirements and national standards. The term OBEC could introduce unnecessary confusion, particularly for candidates coming from other states. If Kentucky recognizes the OBEC as a substitute for NBEO, this not only undermines the national standard but also risks introducing variability in the competency requirements of optometrists who may have been tested under different systems. This inconsistency could undermine the integrity of the profession and diminish the uniformity of optometric care provided across the country.

Potential Confusion Among Applicants

Not requiring the NBEO exam for licensure can lead to significant challenges for professionals seeking to practice in states that do not recognize the OBEC examination. Without a widely accepted national exam, individuals may encounter additional hurdles in obtaining licensure, resulting in disparities in the qualifications needed for practice and potentially excluding qualified candidates. Additionally, if optometrists must take different national exams for licensure, it can prolong the time required to obtain their licenses, restricting their mobility and delaying entry into the workforce.

The Risk of Decreased Public Confidence in Licensing Standards

Optometry, like other health professions, relies heavily on public trust. When a state alters its regulatory language and accepts a potentially less-recognized standard (such as OBEC), it raises concerns among the public and other professionals about the rigor of optometric training and assessment in that state. This could erode confidence in the quality of care optometrists provide, especially if patients or other healthcare providers are uncertain about the equivalence of credentials.

By continuing to emphasize the NBEO as the required standard for licensure, Kentucky maintains its alignment with national practices and reassures the public that optometrists are held to the same high standards of education and competency as their counterparts across the United States.

Legal and Professional Implications

Replacing NBEO with OBEC in the licensing regulations could also have legal implications. The NBEO is a nationally recognized organization whose examinations are accepted as the standard for licensure across nearly every state. Altering this requirement could lead to legal challenges from applicants who have met the NBEO requirements but are unsure how the OBEC results would impact their eligibility for licensure, including in other states.

The Role of Optometry Boards in Licensure

Like Arizona, the Kentucky Board of Optometric Examiners has a responsibility in ensuring that all individuals practicing optometry within the state meet rigorous standards that protect the health, safety and welfare of its residents. The current licensing process, which uses the NBEO as the standard for licensure, serves this responsibility well.

If there is any desire to expand the pathways to licensure, such as recognizing Canadian licensure or examinations, it would be more appropriate to establish a separate, clearly defined pathway for foreign-trained candidates, rather than replacing the established NBEO requirement with a term that could cause confusion and undermine national consistency.

Conclusion

Ultimately, not accepting a national exam for licensure can create a fragmented system that complicates the pathways to licensure and undermines workforce mobility and efficiency. It is essential for the profession to have standardized assessments recognized across states to facilitate smoother transitions and equitable access to licensure.

The Arizona State Board of Optometry opposes the proposed language changes, specifically the substitution of "NBEO" with "OBEC" in the Kentucky optometry licensing regulations and urges the Kentucky Board of Optometric Examiners to retain the use of NBEO as the required national examination for licensure. The Board also urges the Kentucky Board reconsider any changes that may create confusion, compromise professional standards, or undermine public confidence in the quality of optometric care and the ripple effect it would have on other collegial boards regarding licensure of optometrists.

Please contact me at margaret.whelan@optometry.az.gov or (602) 542-8155 with any questions.

Sincerely,



Margaret Whelan
Executive Director

From: HANSON Shelley G * OBO <Shelley.G.HANSON@obo.oregon.gov>

Sent: Tuesday, November 12, 2024 5:13 PM

To: christi.lemay@ky.gov <christi.lemay@ky.gov>

Cc: AUMAN Melissa * OBO <Melissa.AUMAN@obo.oregon.gov>

Subject: Comment on rules & regulations amendments for optometry applicants

Ms. LeMay and Kentucky Board of Optometry Board members,

The Oregon Board of Optometry is submitting comments on your proposed updates to add an additional pathway to licensure in Kentucky for optometry applicants.

As another optometry licensing board, we are concerned about the potential ramifications of the passage of this regulation in your State. Like you, we strive to ensure that we license providers with appropriate education and training that can provide quality care to our citizens. There is a current pathway to licensure that has been in place for a number of years and has been successful.

If that pathway is changed in one licensing jurisdiction, it can cause mobility constraints for the licensee. If these regulations aren't adopted in other states, it limits the licensee's ability to get licensed in other states. New graduates oftentimes need the flexibility to make geographic changes due to professional and personal needs. This sets a standard that isn't universally acceptable.

The NBEO Part I Exam tests basic science knowledge. As a health professional, it's imperative that the licensee has adequate scientific knowledge to do the job now and in the future. As more states look to expand the scope of practice, missing basic scientific knowledge handicaps the licensee in the future as the profession grows and adapts to the changing healthcare system needs.

There is a generous number of attempts allowed to pass each of the NBEO exams. If an applicant struggles with a section of the exam it's imperative that they get the additional

education to ensure successful passage of the exam to meet the overall standards of the profession.

The Oregon Board of Optometry asks you to reconsider this regulatory change and asks you to keep your current regulations in place.

**Our licensing system and portals will be unavailable from Monday 11/18 through Sunday 11/24/24

Shelley Hanson

Shelley.g.Hanson@obo.oregon.gov

Executive Director, Oregon Board of Optometry

1500 Liberty St SE, Ste 210

Salem, OR 97302

971-701-1194 Melissa: 971-701-1603

Fax 503.914.5142

<https://www.oregon.gov/obo/Pages/index.aspx> —licensee self-service portal access is available on the site

**my work schedule is Monday through Thursday 7:30 am to 4:30 pm and Friday 7:30 am to 11:30 other than holidays and time off

Any information provided in this email may be confidential under ORS 676.175 and is not to be distributed.



WEST VIRGINIA BOARD OF OPTOMETRY

179 Summers Street, Suite 231 • Charleston, WV 25301 • Phone: 304-558-5901 • Fax: 304-558-5908 • Email: info@wvbo.org

November 14, 2024

Christi LeMay, Executive Director
Kentucky Board of Optometric Examiners
2365 Harrodsburg Road
Lexington, Kentucky 40504

Dear Ms. LeMay,

On behalf of the West Virginia Board of Optometry, I am writing to oppose the proposed change in Kentucky Administrative Code pertaining to the acceptance of the Optometry Examining Board of Canada ("OEBC") as an alternative to the National Board and Examiners in Optometry ("NBEO") for licensure in Kentucky.

Our Board has several concerns with the proposed change in Kentucky Administrative Code:

1. Such a change has the potential to permit optometry graduates, who have failed NBEO Part I the maximum of six times, an opportunity to take the OEBC written Exam and obtain a Kentucky license. With that license, these individuals could then apply for reciprocity or endorsement in another jurisdiction. The reason for the change listed in the Impact Analysis states that it is necessary because students are unable to pass the NBEO Part I Exam. If students are unable to pass all parts of the NBEO National Board Examination, they should not be granted a license to practice optometry.
2. The Kentucky Board of Optometric Examiners does not provide any information showing that the OEBC written Exam is equivalent to the NBEO Part I Exam.
3. The OEBC Exams are designed around the scope of practice in Canada, which is different than the scope of practice in many of the states in the United States.
4. The proposed change does not protect the health and safety of the citizens of Kentucky. It creates a possible situation where an optometrist who has not been able to demonstrate that they are competent to practice obtains a license in Kentucky.
5. A licensure pathway for optometry graduates unable to pass NBEO Part I could create issues in all states that have licensure by endorsement or reciprocity.

Thank you for your consideration of this important issue, that if enacted as presented, can have negative repercussions beyond the state borders of Kentucky.

Sincerely,

A handwritten signature in black ink that reads "Sheena Hunt, OD".

Sheena Hunt, OD
President, West Virginia Board of Optometry

cc: Association of Regulatory Boards of Optometry (ARBO)
National Board of Examiners in Optometry (NBEO)



July 18, 2025

Kentucky Legislative Interim Joint Committee Health Services

Dear Members:

On behalf of the North Carolina State Board of Examiners in Optometry, I am writing to oppose the proposed amendment to the Kentucky Administrative Code pertaining to the acceptance of the Optometry Examining Board of Canada (OEBC) written exam as an alternative to the National Board and Examiners in Optometry (NBEO) Part I Exam for licensure in Kentucky.

The North Carolina Optometry Board, like that of the Kentucky Optometry Board, has as its primary responsibility the interest of public protection. The public should be assured that when the Kentucky Optometry Board grants a license, the individual being granted a license has met a competency standard to enter practice and provide quality care to the citizens of Kentucky just as we do in North Carolina.

The NBEO, Parts 1,2 and 3 are three components of a comprehensive examination process that ensures state optometry boards that a candidate for licensure has met the competency standards. The 3 parts of the NBEO Exam are essential components of the certification process. Removing or substituting a dissimilar exam would be like removing one leg of a chair and expecting the chair to be functional.

The North Carolina Board rarely takes a position involving other state boards. However, our Board thinks this law would weaken the criteria for establishing a minimum level of competency for the profession. Additionally, there are several North Carolina citizens enrolled in the Optometry School in Pikeville, Kentucky who will be returning to North Carolina to practice optometry. Those candidates for licensure would not be eligible to substitute any parts of the NBEO examinations. As such, the North Carolina Board of Examiners in Optometry is opposed to this proposed regulatory change by the KBOE due to concerns related to public protection, consistency, and the confusion that will arise from this modification.

For the Board, I am

Sincerely,

A handwritten signature in cursive script, reading "William B. Rafferty".

*William B. Rafferty, O.D., Executive Director
North Carolina State Board of Examiners in Optometry
521 Yopp Rd., Suite 214 #444
Jacksonville, NC 28540
(910) 285-3160 or (800) 426-4457
exdir@ncoptometry.org*

Richard E. Castillo, OD, DO

2625 Cambridge Circle

Tahlequah, OK 74464

June 1, 2025

To: Members of the Interim Joint Committee Health Services

Frankfort, KY 40601

Dear Honorable Members of the Kentucky Legislature,

As a practicing ophthalmologist, career optometric advocate and educator, regional stakeholder, and someone who has long supported the advancement of optometric scope of practice in Kentucky, I am writing to respectfully express my concern regarding the recent proposal to allow substitution of the National Board of Examiners in Optometry (NBEO) Part I Applied Basic Science Examination with a remotely delivered Canadian examination.

Over a decade ago, I actively supported and contributed to the legislative expansion of optometric practice in Kentucky. For several years, I took part in conducting statewide laser and surgical training workshops throughout Kentucky for Kentucky optometrists and was honored to serve on the committee appointed to advise the Kentucky Board of Optometric Examiners on the rules and regulations needed to implement that new law. At the time, we *assured Kentucky legislators* that such an expansion was justified based on the education, training, and skills of Kentucky optometrists—and, crucially, that *rigorous regulatory oversight and nationally recognized standards of competency would ensure public safety and professional integrity*.

This framework has always rested on a fundamental principle: that only those Doctor's of Optometry who meet nationally accepted standards of competency—consistent with similar practices used for all independent healthcare practitioners in the United States—would be granted the privilege to practice in the Commonwealth. It is in this context that I respectfully voice my opposition to substituting the NBEO Part I Applied Basic Science Examination with a “remotely” administered Canadian-written examination that does not assess the basic biomedical sciences, which is the sole testing authority recognized by the Association of Regulatory Boards of Optometry for licensure in the United States. The biomedical sciences, assessed at a high level by the NBEO, similar to the US medical board exams such as the USMLE, form the foundation for critical-thinking and clinical practice in both medicine and optometry.

For 75 years, the NBEO Part I has been the established, psychometrically validated, universally accepted examination for optometric licensure, built around the scope and expectations of U.S. practice, including in states like Kentucky with an expanded scope of care. By contrast, the Canadian examination has not undergone psychometric validation relative to Kentucky's standards or U.S. standards generally—rather it aligns with the scope

of practice currently permitted in the Canadian provinces, which remains considerably more limited than Kentucky, or a significant number of U.S. States.

Substituting this foreign exam for the established and psychometrically validated U.S. licensing NBEO exam fractures the historic and nationally-accepted credentialing process for optometric licensure in the U.S. and may inadvertently erode the regulatory assurances previously provided to Kentucky lawmakers and the public and could risk undermining the strong standards that have set Kentucky apart as a national leader in optometric advancement.

Thank you for your ongoing commitment to preserving the highest standards of public health and professional accountability in Kentucky and the region. Your careful consideration and due diligence help ensure that the citizens of the Commonwealth continue to receive optometric care consistent with national standards of safety and competence. Please do not deviate from the historic, uniform, and established standards of professional licensure in Kentucky or the U.S. in general.

Respectfully,

A handwritten signature in black ink, reading "Richard E. Castillo OD, DO". The signature is fluid and cursive, with the initials "OD, DO" written in a slightly more formal, blocky style at the end.

Richard E. Castillo, OD, DO

Dean, College of Optometric Medicine
University of North Carolina Pembroke
Pembroke, NC 28372

richard.castillo@uncp.edu

918-845-5148



Illinois College of
Optometry
3241 South Michigan Avenue
Chicago, Illinois 60616-3878

www.ico.edu

Dear Senator/Representative,

My name is Robert Donati and I am an optometric educator of over 20 years and a current resident of the great commonwealth of Kentucky. My wife and I moved here from Illinois in 2020 to work remotely because we love horses, nature, and the abundant resources Kentucky has to offer. Another key feature we looked for in our decision to move was access to quality healthcare and we have had no issues with that so far. However, I feel that quality optometric healthcare may be at risk.

I am writing to you today with significant concerns about the proposed regulation change (201 KAR 005:010) the General Assembly is currently considering that would allow optometric candidates to bypass the NBEO Part I Applied Basic Science Exam with the Optometry Examining Board of Canada (OEBC) written exam. If adopted, this change sets a bad precedent for Kentucky optometry and paves the way for potentially unqualified candidates to practice. The proposed change is not in the best interest of the people of Kentucky and here is why:

- **The practice of optometry requires a foundational set of biomedical science knowledge, especially given Kentucky's expanded optometric scope of practice.** The two exams (NBEO Part 1 Applied Basic Science and the Optometry Examining Board of Canada (OEBC) Written Exam) are NOT equivalent in the knowledge they assess or in their rigor. What separates a doctor from a technician is having a strong foundational knowledge of the basic biomedical sciences so that they can interpret test results and more importantly, apply those test results to the individual patient based on their history and current clinical presentation.
- **The Canadian exam does not test biomedical science and was designed based on the scope of practice in Canada.** The OEBC examination is designed for the much more limited scope of optometric practice in Canada. Optometrists in Kentucky perform many medical functions that optometrists in Canada must refer to an ophthalmologist. Kentucky optometrists are able to perform laser and minor surgical procedures that are not allowed in any Canadian province. They can also give injections and have certain prescription authority. Understanding the basics of anatomy, physiology, pharmacology, etc. is foundational to practicing ocular health in the United States. These sciences are prerequisites for comprehension of eye structure and function, and they also form the base of knowledge for laser and minor surgical procedures.
- **Kentucky will be the only state in the country to accept the OEBC exam.** This will limit the ability of Kentucky trained optometrists to practice outside of the state if they opt for the OEBC written exam in place of the current NBEO Part I.
- **The NBEO exam – like other medical profession licensing exams in the U.S. – is administered in secure testing centers while the OEBC written exam is administered remotely, which can present ethical and security risks.** In fact, a recent study showed that remotely proctored candidates are up to 7 times more likely to be flagged for suspected collusion than in-person proctored candidates.



The Kentucky Board's stated justification of the purported "necessity" for the proposed amendment is that "[p]ost pandemic, there were a number of optometry school students that could not pass the National boards as required in current Kentucky regulation." I have spent the majority of my professional career teaching these foundational biomedical sciences to first year optometry students in Illinois and continue to do so remotely in my new home state of Kentucky. It is unfortunate that the Kentucky Board of Examiners (KBOE) is proposing this change rather than working with the administration and faculty at the Kentucky School of Optometry to help their students succeed at the NBEO Part I examination. It can be challenging getting the resources needed to help struggling students succeed (trust me I know), but the efforts are more than worth it! In fact, current pass rate data shows that both first-time and ultimate pass rates are rising again. To the extent this was a problem, it was a temporary one that does not warrant a change that would put Kentucky dramatically out of step with the rest of the country. Rather than lowering the professional standards, the KBOE should be working harder to provide their optometry students with the resources necessary for success.

As a closing statement, I would like to say that my wife and I sought out an Illinois College of Optometry trained optometrist when we moved to Kentucky because I knew they would have the foundational and clinical knowledge to provide us with the best eye care now and as we age. Don't you want citizens of Kentucky to have that feeling about their homegrown optometrists? I sure do!

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Robert J. Donati".

Robert J. Donati PhD

Associate Professor

Illinois College of Optometry

rdonati@ico.edu

Home address:

200 Gleneagles Way

Versailles, KY 40383