

40 KAR 2:345. Visual aid glasses seller annual registration requirements.

RELATES TO: KRS 367.680, 367.686, 367.688, 367.689, 367.690

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.688, 367.689

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to visual aid glasses. KRS 367.688 requires the Attorney General to charge a fee for investigation and registration of nonresident dispensers of visual aid glasses. This administrative regulation establishes requirements for annual registration required by KRS 367.686 for a person located outside of Kentucky who ships, mails, delivers, sells, or dispenses visual aid glasses to a patient at a Kentucky address.

Section 1. Visual Aid Glasses Seller Registration Form. A registrant shall register annually by submitting a complete Visual Aid Glasses Seller Registration, Form G-1, containing all information and the registration fee required by this administrative regulation. The Visual Aid Glasses Seller Annual Registration, Form G-1, shall contain the following:

- (1) The legal name of the registrant;
- (2) Other names under which the registrant conducts business;
- (3) The registrant's contact person including name, title, business address, phone number, and fax number. The contact person's email address may also be provided;
- (4) The registrant's principal physical business location, which shall not be a post office box;
- (5) The registrant's mailing address;
- (6) The location where the registrant keeps or maintains records of its Kentucky customers;
- (7) The toll-free phone numbers for questions from customers, optometrists, osteopaths and physicians;
- (8) The registrant's fax number;
- (9) The registrant's website;
- (10) Whether the registrant has been the subject of civil or criminal action by an agency in any state that regulates the sale or dispensing of visual aid glasses, and, if yes, an explanation;
- (11) A list of each state in which the registrant is registered or licensed to sell or dispense visual aid glasses;
- (12) An annual registration fee of \$500 enclosed with each registration in the form of a check made payable to "Kentucky State Treasurer"; and
- (13) The signature of the registrant or a person authorized to sign on behalf of the registrant, the printed name and title of the person signing the registration form, and the date of the signature. The signature shall constitute a certification that the statements contained in the registration form are true and correct to the best of the knowledge and belief of the person signing the registration form.

Section 2. The original completed Visual Aid Glasses Seller Registration, Form G-1, and the registration fee, shall be mailed or delivered to the Kentucky Office of the Attorney General, Office of Consumer Protection, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601.

Section 3. The registrant shall notify the Attorney General within thirty (30) days of any material change to information provided in the registrant's Visual Aid Glasses Seller Registration, Form G-1, in writing at the address shown in Section 2 of this administrative regulation.

Section 4. A notice or letter from the Attorney General to a registrant may be sent by first-class regular mail to a last-known address as shown in the registrant's last Visual Aid Glasses Seller Registration, Form G-1, or in the registrant's last notice of material change provided pursuant to Section 3 of this administrative regulation.

Section 5. The Attorney General may charge a fee for investigation of nonresident dispensers of visual aid glasses based on reasonable expenses incurred during the complaint or investigation process, in accordance with KRS 367.688.

Section 6. Incorporation by Reference. (1) "Visual Aid Glasses Seller Registration, Form G-1", 2018, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Office of the Attorney General, Office of Consumer Protection, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.(45 Ky.R 557, 946; eff. 11-2-2018.)