

## 201 KAR 13:040. Licensing.

RELATES TO: KRS 326.020, 326.035, 326.040, 326.080

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

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

Section 1. Application for License. A person wishing to obtain a license to practice as an ophthalmic dispenser or apprentice shall make application to the Kentucky Board of Ophthalmic Dispensers on the Application for Ophthalmic Dispenser or Apprentice License.

Section 2. Required Examinations. (1) Passage of the following examinations shall satisfy the requirement established in KRS 326.040(4):

(a) Passage of both:

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

(b) Passage of either:

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

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

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

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

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

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

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

1. The verifying sponsor shall be licensed either as an ophthalmologist, an optometrist, or an optician.

2. An applicant for licensure based on credentials and experience under this paragraph shall have passed an approved practical examination before application.

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

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

Section 4. Licensure Renewal. (1) Each license shall be renewed each year on or before December 31.

(2) Each licensee shall complete and submit one (1) of the following:

- (a) Application for Renewal for a licensed ophthalmic dispenser;
- (b) Application for Apprentice Renewal for a licensed apprentice ophthalmic dispenser; or
- (c) The online version of each form maintained by the Department of Professional Licensing.

(3) For a renewal postmarked on or before December 31, or completed and submitted online before that date, the renewal fee shall be:

- (a) Seventy-five (75) dollars for a licensed ophthalmic dispenser; or
- (b) Fifty (50) dollars for an apprentice ophthalmic dispenser.

(4) For a renewal postmarked or submitted on the Department of Professional Licensing website after December 31, there shall be an additional a thirty-five (35) dollar late fee.

(5) A license that has not been renewed by close of business on March 1 shall expire. Applicants may request an extension of time to renew of up to sixty (60) days for reasons related to medical issues, military service, or family emergencies. The applicant shall submit the request for an extension of time in writing, and send the request to the board by certified mail on or before the March 1 expiration date.

(6) In order to qualify for reinstatement of a license that has expired by operation of subsection (4) of this section, either an Application for Reinstatement or an Application for Apprentice Reinstatement shall be submitted to the board. In addition, a reinstatement fee shall be submitted with the application. The reinstatement requirements shall be:

(a) \$300 reinstatement fee and twelve (12) additional hours of continuing education to be completed before the end of the current licensure year for reinstatement as an active status or inactive status ophthalmic dispenser; or

(b) Sixty (60) dollars for reinstatement as an apprentice ophthalmic dispenser.

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

Section 5. Temporary Permit Application. (1) The board shall, if requested by the applicant, issue a temporary permit to a qualified ophthalmic dispenser, who otherwise would qualify for a license, but is in the state on a temporary basis or who has not yet had an opportunity to take an examination to procure a license and whose immediate employment depends upon being licensed by the board.

(2) The permit shall be valid only until the next regular examination date and in no case shall exceed six (6) months following date of issuance.

(3) The fee for a temporary permit shall be fifty (50) dollars, which amount shall accompany the application.

Section 6. Board Action, Notification. (1) The board shall act only upon those applications that are complete.

(2) Each applicant shall pay the license application and renewal fees required by KRS 326.040 and 326.080 upon submission of the application.

(3) Each applicant shall be notified of the action of the board; and, if favorable, when and where the examination will be held.

(4) If the board considers denying or resolves to deny an application based solely on an applicant's prior conviction of a crime, the board shall follow the notification and procedure requirements in KRS 335B.030(2).

(5) The applicant shall participate in an interview with the application committee upon written

request of the board. The application committee shall conduct the interview to determine if the conviction directly relates to the occupation for which the license is sought pursuant to the criteria established in KRS 335B.020(2)(a) through (b) and 335B.030(2)(b).

Section 7. Inactive Status. (1) Upon application, the board shall grant inactive status to a qualified licensee. While on inactive status, the licensee shall not engage in the practice of ophthalmic dispensing.

(2) The fee for licensure on inactive status shall be thirty-five (35) dollars per year.

(3)(a) Continuing education requirements shall be waived for a licensee on inactive status during the inactive period.

(b) If the inactive licensee applies to the board to return to active status, the licensee shall submit proof that he or she has completed six (6) hours of continuing education for ophthalmic dispenser licensees and four (4) hours of continuing education for apprentice ophthalmic dispenser licensees within the last twelve (12) month period immediately preceding the date on which the application is submitted.

(c) The licensee may request that he or she be allowed to return to active status immediately, with the provision that the licensee shall receive the appropriate number of continuing education hours within six (6) months of the date on which the licensee returns to active status.

(d) Additionally, the licensee shall be responsible for meeting the requirements established in 201 KAR 13:055 in order to qualify for renewal of the license.

(4) To change from inactive status to active status, the ophthalmic dispenser licensee shall:

(a) Pay a reactivation fee of forty (40) dollars; and

(b) Complete six (6) additional hours of continuing education before the end of the current licensure year.

Section 8 Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Ophthalmic Dispenser or Apprentice License", July 2019;

(b) "Application for Renewal", February 2016;

(c) "Application for Apprentice Renewal", February 2016;

(d) "Application for Reinstatement", February 2016; and

(e) "Application for Apprentice Reinstatement", February 2016.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Ophthalmic Dispensers, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (OD-2; 1 Ky.R. 722; eff. 5-14-1975; Am. 11 Ky.R. 56; eff. 8-7-1984; 733; eff. 12-11-1984; 13 Ky.R. 900; eff. 12-2-1986; 21 Ky.R. 481; 1086; eff. 10-12-1994; 27 Ky.R. 1528; 2723; eff. 4-9-2001; 38 Ky.R. 1875; 39 Ky.R. 11; eff. 8-6-2012; 42 Ky.R. 2621, 2906; 43 Ky.R. 17; eff. 7-20-2016; 44 Ky.R. 552, 909; eff. 11-15-2017; 45 Ky.R. 3246, 46 Ky.R. 417, eff. 8-19-2019.)