

BOARDS AND COMMISSIONS
Board of Optometric Examiners
(Amendment)

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

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

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

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

Section 1.

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

- (a) A completed Application for License to Practice Optometry;
- (b) Birth certificate;
- (c) A certified copy of college transcripts received directly from the registrar's office;
- (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 recent photograph of head and shoulders, front view;
- (j) Payment in the amount of \$500 representing the non-refundable application fee; and
- (k) Payment in the amount of twenty-five (25) dollars 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 recent photograph of head and shoulders, front view;
- (k) Payment 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 in the amount of twenty-five (25) dollars 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)

- (a) Prior to approval for licensure, the board shall receive 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 3.

- (1) A person whose license has been revoked pursuant to KRS 320.280(3) may apply for reinstatement of his or her license.
- (2) Except as provided in subsection (3) of this section, a person applying for reinstatement shall submit to the board:
 - (a) Evidence of completion of the continuing education requirements established in 201 KAR 5:030; and
 - (b) Payment of the annual renewal fee established in 201 KAR 5:090, Section 2.
- (3) To apply for reinstatement, an optometrist whose license has been revoked pursuant to KRS 320.280(3) shall submit to the board:
 - (a) Evidence of completion of the annual continuing education requirement for each year, or any portion of a year, that the license was not renewed to a maximum of sixty (60) hours; and
 - (b) Payment of the renewal fee established in 201 KAR 5:090, Section 2 for each year, or any portion of a year, that the license was not renewed.

Section 4. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application for License to Practice Optometry", June 2024; and
 - (b) "Application for License by Endorsement to Practice Optometry", June 2024.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Optometric Examiners, 2365 Harrodsburg Road, Suite

A240, Lexington, Kentucky 40504-3333, phone (859) 246-2744, Monday through Friday, 9:00 a.m. to 4:30 p.m..

JOE ELLIS, OD, President

APPROVED BY AGENCY: August 15, 2024

FILED WITH LRC: August 30, 2024 at 10:30 a.m.

PUBLIC HEARING AND 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, Kentucky 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 Kentucky 40504, (859) 246-2744, email christi.lemay@ky.gov.