

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 ~~transcripts~~ 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~~[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 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)

- (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 ~~[up]~~ to a maximum of sixty (60) hours; and
 - (b) Payment of the renewal fee established in 201 KAR 5:090, Section 2 ~~[of \$200]~~ 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 ~~[August 2012]~~; and

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

(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~~[2624 Research Park Drive, Suite 305, Lexington, Kentucky 40511]~~, phone (859) 246-2744, Monday through Friday, 9:00 a.m. to 4:30 p.m.~~[8:30 a.m. to 5 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Christi LeMay

(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:

(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

(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