

STATEMENT OF EMERGENCY
201 KAR 5:020E.

Pursuant to KRS 13A.190(1)(a)1., this emergency administrative regulation is being promulgated to meet an imminent threat to public health, safety, and welfare. This emergency administrative regulation is necessary in response to the October 1, 2025 Opinion of the Attorney General (OAG 25-13). The Board of Optometric Examiners implemented licensing examination waivers or accepted alternative testing measures for individuals who graduated from optometry schools between 2020-2023 because of the state of emergency in the Commonwealth regarding COVID-19. In its opinion, the Office of the Attorney General found that the Board of Examiners improperly modified the licensing requirements via internal order and not via the administrative regulation process. This emergency administrative regulation provides how the Board of Optometric Examiners will review the licensure requirements of the impacted licensees to ensure all licensees have met the licensure requirements as established in 201 KAR 5:010 and this regulation.

This emergency administrative regulation will not be replaced by an ordinary administrative regulation because this emergency regulation seeks to remedy actions taken in the past that will not continue in the future.

ANDY BESHEAR, Governor of Kentucky
CHRISTI LEMAY, Executive Director

GENERAL GOVERNMENT CABINET
Kentucky Board of Optometric Examiners
(New Emergency Administrative Regulation)

201 KAR 5:020E. Review of Licensure Requirements.

RELATES TO: KRS 320.220, 320.250, 320.280

STATUTORY AUTHORITY: KRS 320.240

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.240(4) requires the Board of Optometric Examiners to promulgate administrative regulations for the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists. This emergency regulation is necessary to address the directive for the Board of Optometric Examiners to review certain licensures per the Opinion of the Attorney General, OAG 25-13.

Section 1. For all initial licenses approved by the Board for individuals who graduated optometry school between 2020-2023, the following credentials must be in possession of the Board prior to license renewal for 2027:

- (1) National Board of Examiners in Optometry (NBEO) Part 1 results or Optometry Examining Board of Canada (OEBC) Part 1 results;
- (2) NBEO Part 2 and TMOD results; and
- (3) NBEO Part 3 results or results of the Kentucky Clinical Competency Test.

Section 2. The Kentucky Clinical Competency Test shall be developed and utilized for this limited purpose and specific review of licenses.

Section 3. Any licensee without these credentials will be notified by the Board in writing and is eligible to submit the results above by December 31, 2026.

Section 4. The Board shall provide written notice to the Office of the Attorney General when the credentialing review is complete.

(201 KAR 005:020E. Withdrawn by Agency. 2-5-2026.)

APPROVED BY AGENCY: December 31, 2025

FILED WITH LRC: December 31, 2025 at 3:53 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 1:00 p.m. EST, at 100 Consumer Lane, Frankfort, Kentucky 40601. 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 February 28, 2026. 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, 100 Consumer Lane, Frankfort, Kentucky 40601, (502) 234-2114, christi.lemay@ky.gov.