

STATEMENT OF EMERGENCY
201 KAR 5:021E.

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 to implement the directive contained within the October 1, 2025 Opinion of the Attorney General (OAG 25-13) in a manner that will best protect against any imminent threat to public health, safety, and welfare. The Board of Optometric Examiners (KBOE) implemented licensing examination waivers or accepted alternative testing measures for individuals who graduated from optometry schools between 2020-2023. In its opinion, the Office of the Attorney General found that the actions taken by the KBOE improperly modified the licensing requirements via internal order and not via the administrative regulation process. This regulation must be effective on an emergency basis in order to communicate a comprehensive list of all examination requirements to affected persons, to instruct such persons to immediately register and complete those requirements in enough time to meet the upcoming license renewal deadline, and to halt the performance of certain procedures by affected persons until all requirements have been completed, reviewed and accepted by the KBOE.

This emergency administrative regulation will be replaced by an ordinary administrative regulation because the requirements within the regulation will need to stay in effect until the next renewal deadline in 2027. The ordinary administrative regulation is not identical to this emergency regulation. The only difference between the two regulations is that the ordinary regulation will contain dates when certain examination options will no longer be available.

This emergency administrative regulation has the same subject matter as an emergency administrative regulation that was previously filed and withdrawn within the past 270 days but contains material and important differences. First, the exams required in the previously filed emergency administrative regulation have changed. This emergency administrative regulation provides the American Board of Optometry board certification exam as an option which replaces the option of the Kentucky Clinical Competency test in the previously filed and withdrawn emergency administrative regulation. Second, this emergency administrative regulation prohibits any affected licensees from performing the following procedures until all required credentials are submitted and accepted by the KBOE: (1) Argon Laser Trabeculoplasty (ALT); (2) Selective Laser Trabeculoplasty (SLT); (3) Laser Peripheral Iridotomy (LPI); or (4) Yttrium Aluminum Garnet (YAG) capsulotomy.

ANDY BESHEAR, Governor

MARY BETH MORRIS, OD, Board President

BOARD OF OPTOMETRIC EXAMINERS
(New Emergency Administrative Regulation)

201 KAR 5:021E. Licensure Compliance Review.

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 administrative regulation is necessary to address the directive for the Board of Optometric Examiners to investigate and review certain licensures per the Opinion of the Attorney General, OAG 25-13 in a way best to protect public health and welfare.

Section 1. For all initial licenses approved by the Board for individuals who graduated optometry school between 2020-2023, the following examinations shall be taken and a passing score must be submitted and in the 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 American Board of Optometry (ABO) board certification exam.

Section 2. The ABO board certification exam shall be utilized for this limited purpose and for the specific review of licenses.

Section 3. Any licensee who has not met the requirements of Section 1 of this emergency administrative regulation shall not perform the following procedures until all required results are submitted, reviewed and accepted by the Board:

- (1) Argon Laser Trabeculoplasty (ALT);
- (2) Selective Laser Trabeculoplasty (SLT);
- (3) Laser Peripheral Iridotomy (LPI); or
- (4) Yttrium Aluminum Garnet (YAG) capsulotomy.

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

MARY BETH MORRIS, OD, President

APPROVED BY AGENCY: February 5, 2026

FILED WITH LRC: February 5, 2026 at 3:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 25, 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 March 31, 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,
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