

**GENERAL GOVERNMENT CABINET  
BOARD OF OPHTHALMIC DISPENSERS  
(Amendment)**

**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

CERTIFICATION STATEMENT:

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 License, DPL-BOD-01~~for Apprentice~~ or Application for Apprentice Ophthalmic Dispenser License DPL-BOD-02.

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) One hundred twenty-five (125) dollars [~~Seventy-five (75) dollars~~] for a licensed ophthalmic dispenser; or
  - (b) One hundred (100) dollars [~~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) For an ophthalmic dispenser:
    1. Payment of the one hundred twenty-five (125) renewal fee [~~\$300 reinstatement fee~~] and six (6) hours of continuing education. An additional six (6) [~~twelve (12) additional~~] hours of continuing education shall [~~to~~] be completed before the end of the current licensure year if [~~for~~] reinstatement occurs more than twelve (12) months after license expiration; [~~as an active status or inactive status ophthalmic dispenser;~~ ~~or~~]
    2. Payment of a thirty-five (35) dollar late fee; and
    3. Payment of a three hundred (300) dollar reinstatement fee.
  - (b) For an apprentice ophthalmic dispenser:
    1. Payment of the one hundred (100) dollar renewal fee and four (4) hours of continuing education to be completed before the end of the current licensure year. An additional four (4) hours of continuing education shall be completed before the end of the current licensure year if reinstatement occurs more than twelve (12) months after license expiration;
    2. Payment of a thirty-five (35) dollar late fee; and
    3. [(b)] Sixty (60) dollars for reinstatement. [~~as an apprentice ophthalmic dispenser.~~]

4. The timeline established in Section 2.(2)(a) shall continue to run during the inactive status.

(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.

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

(a) Pay a reactivation fee of fifteen (15) dollars; and

(b) Complete four (4) 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", DPL-BOD-01, December 2025~~[July 2019]~~;

(b) "Application for Apprentice Ophthalmic Dispenser License", DPL-BOD-02, December 2025;

(c) "Application for Renewal as an Ophthalmic Dispenser", DPL-BOD-03, December 2025~~[February 2016]~~;

(d) ~~{(e)}~~ "Application for Renewal as an Apprentice Ophthalmic Dispenser~~[Renewal]~~", DPL-BOD-04, December 2025~~[February 2016]~~;

(e) ~~{(d)}~~ "Application for Reinstatement as an Ophthalmic Dispenser", DPL-BOD-05, December 2025~~[February 2016]~~; and

(f) ~~{(e)}~~ "Application for Reinstatement as an Apprentice Ophthalmic Dispenser~~[Reinstatement]~~", DPL-BOD-06, December 2025~~[February 2016]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Ophthalmic Dispensers, 500 Mero Street ~~[911 Leawood Drive]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available on the board's website at [bod.ky.gov](http://bod.ky.gov).

*CURT DUFF, Board Chair*

APPROVED BY AGENCY: February 11, 2026

FILED WITH LRC: February 12, 2026 at 1:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, April 21, 2026, at 2:00 PM, Eastern Time, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) 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 April 30, 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 by using the PPC public comment portal at the address listed below.

CONTACT PERSON: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services, Address: 500 Mero Street, 2 NC WK#2, Phone Number: (502) 782-2709 (office), Fax: (502) 564-4818, Email: [Sara.Janes@ky.gov](mailto:Sara.Janes@ky.gov) Link to PPC public comment portal: [https://ppc.ky.gov/reg\\_comment.aspx](https://ppc.ky.gov/reg_comment.aspx)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:**Sara Boswell Janes

**Subject Headings:**Ophthalmic Dispensing, Licensing, Fees

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation establishes the requirements for licensure as an ophthalmic dispenser or an apprentice ophthalmic dispenser, including the establishment of fees.

**(b) The necessity of this administrative regulation:**

This administrative regulation is necessary to advise the public, licensees, and applicants of the requirements for licensure, including fees to be paid, experience required, and examinations. Additionally, it addresses inactive license and temporary permit status.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation establishes the requirements for application including forms to be completed, fees to be paid, and required experience, education, and examinations. The administrative regulation also establishes other license statuses.

**(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:**

The amendment will increase the renewal fee as authorized by the 2024 General Assembly pursuant to 2024 House Bill 17. The amendment also clarifies the required fees for reinstatement of an expired or inactive license and further clarifies the timeline for an inactive apprentice ophthalmic dispenser continues to run. Finally, the amendment updates the materials incorporated by reference, including the addition of form numbers.

**(b) The necessity of the amendment to this administrative regulation:**

The amendment is necessary to increase fees because the costs for administrative and legal services have led the Board to operate with an annual budget which leaves no room for services that may be needed, including investigative services which not currently available. Further, the requirement of paying renewal and late fees in addition to the reinstatement fee was not clear and needed to be inclusive for transparency. Finally, the forms needed revision to assist with the effective administration of licensure.

**(c) How the amendment conforms to the content of the authorizing statutes:**

The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations related to fees as are necessary to operate in such a way to protect the public it is charged to serve.

**(d) How the amendment will assist in the effective administration of the statutes:**

The amendment will provide the Board with additional revenue necessary to continue to operate and fulfill its statutory duties and correct technical problems created by some of the material incorporated by reference.

**(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. 2024 HB 17.**

**(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

There are approximately 527 licensed ophthalmic dispensers and 174 licensed apprentice ophthalmic dispensers who will be affected by this administrative regulation.

**(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:**

The licensees will have an increased annual renewal fee.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):**

Upon renewal, one hundred twenty-five dollars (\$125) for a licensed ophthalmic dispenser and one hundred dollars (\$100) for an apprentice ophthalmic dispenser.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):**

The board will have the funds to hire an investigator for enforcement of the statutes and regulations, and be able to pay for necessary administrative and legal services.

**(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

No new costs will be incurred by the changes.

**(b) On a continuing basis:**

No new costs will be incurred by the changes.

**(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:**

The board's operations are funded by fees paid by credential holders and applicants.

**(8) 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:**

This amendment specifically relates to a renewal fee increase but the changes will not cause any additional services to be used which would require additional revenue to implement the regulation.

**(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

The amendment to this administrative regulation increases fees.

**(10) TIERING: Is tiering applied?**

This regulation does not distinguish between similarly situated individuals on the basis of any factor.

## 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 326.020, 326.035, 326.040, 326.080.

**(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:**

KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure. KRS 326.080(1) specifically authorizes the board to promulgate a fee for license renewal by administrative regulation.

**(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:**

The Kentucky Board of Ophthalmic Dispensers is the promulgating agency and the only affected state unit, part, or division. (b) Estimate the following for each affected state, unit, part, or division identified in (3)(a):

**(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):**

**1. Expenditures:**

**For the first year:None.**

**For subsequent years:None.**

**2. Revenues:**

**For the first year:This amendment should generate approximately an additional \$33,700 in revenue for Board operations and expenses.**

**For subsequent years:This amendment should generate approximately an additional \$33,700 in revenue for Board operations and expenses in subsequent years.**

**3. Cost Savings:**

**For the first year:None.**

**For subsequent years:None.**

**(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

None anticipated.

**(b) Estimate the following for each affected local entity identified in (4)(a):**

**1. Expenditures:**

**For the first year:None**

**For subsequent years:None**

**2. Revenues:**

**For the first year:None**

**For subsequent years:None**

**3. Cost Savings:**

**For the first year:None**

**For subsequent years:None**

**(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):**

There are no other regulated entities not otherwise listed. (b) Estimate the following for each affected local entity identified in (4)(a):

**(b) Estimate the following for each regulated entity identified in (5)(a):**

**1. Expenditures:**

**For the first year:None**

**For subsequent years:None**

**2. Revenues:**

**For the first year:None**

**For subsequent years:None**

**3. Cost Savings:**

**For the first year:None**

**For subsequent years:None**

**(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)**

**(a) Fiscal impact of this administrative regulation:**

The fee increase should generate approximately \$33,700 in additional funds as it constitutes a fifty dollar (\$50) increase annually on the renewal of approximately 527 Ophthalmic Dispenser licensees and a fifty dollar (\$50) increase on approximately 174 Apprentice licensees. The Board believes additional funds will be needed to meet obligations for ongoing board expenses and obligations.

**(b) Methodology and resources used to reach this conclusion:**

The board made a request to its' fiscal administrator for a budget analysis to extrapolate the increase in board funding based on what it considered to be a modest increase of fifty dollars (\$50) in licensure renewal fees in an effort to fund the Board's administrative, operating and investigative expenses.

**(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):**

**(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):**

This administrative regulation will not have an overall negative or adverse major economic impact to the entities identified.

**(b) The methodology and resources used to reach this conclusion:**

Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.