

**GENERAL GOVERNMENT CABINET  
BOARD OF OPHTHALMIC DISPENSERS  
(New Administrative Regulation)**

**201 KAR 13:075. Administrative hearings.**

RELATES TO: KRS 326.100

STATUTORY AUTHORITY: KRS 326.020(3)(a) and (5), 326.090, 326.100

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3)(a) requires the board to promulgate administrative regulations necessary to carry out the purposes and provisions KRS 326.010 through 326.990. KRS 326.100 requires the board to conduct administrative hearings in accordance with KRS Chapter 13B. This administrative regulation sets forth the procedures by which such hearings are to be conducted.

Section 1. Right of Administrative Hearing to Appeal the Denial of License or Refusal to Renew or Reinstatement a License.

(1) If the board denies an application for licensure, or refuses to renew or reinstate a license for failure to meet the regulatory requirements for renewal or reinstatement, the board shall issue a notice of denial informing the applicant of the specific reason for the board's action, including:

- (a) The statutory or regulatory authority the application fails to meet for issuance, renewal or reinstatement of the license;
- (b) The factual basis on which the denial is based; and
- (c) The right to an appeal through an administrative hearing pursuant to KRS Chapter 13B.

(2) Requirements for Appeal. A written request for an administrative hearing shall be made in writing to the board within twenty (20) calendar days after receipt of this notification, excluding the day the applicant receives notice, or the date that the notification is returned to the board as unclaimed. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

(3) If the request for an appeal is not timely filed, the notice of denial shall be effective upon the expiration of the time for the applicant to request an appeal.

(4) If a request for an appeal is made, the board, through counsel, shall prepare the notice of administrative hearing in accordance with KRS Chapter 13B.

(5) The administrative hearing shall be conducted in accordance with KRS Chapter 13B.

(6) The documentary evidence shall be limited to the application and supporting documents submitted to the board during the application process and what was considered as part of the application denial.

(7) A renewal applicant may petition the board, in writing, for a stay of the license denial until completion of the administrative hearing process.

Section 2. Administrative Hearing For Denial, Refusal to Renew or Reinstatement, Suspension, Revocation, or Imposition of Probationary Conditions upon a License Due to Unprofessional Conduct.

(1) All administrative hearings for the board's denial, refusal to renew or reinstate, suspension, revocation, or imposition of probationary conditions upon a license shall be conducted in accordance with KRS Chapter 13B.

(2) The board, through counsel, shall prepare the formal administrative complaint and notice of administrative hearing in accordance with KRS Chapter 13B.

Section 3. Revocation of Probation.

(1) If the board moves to revoke probation, the board shall issue written notice of the revocation to the last known address on file with the board for the licensee and inform the licensee:

- (a) Of the factual basis on which the revocation is based;
- (b) Of each probation term violated;
- (c) Of the sanction to be imposed; and
- (d) That the licensee may appeal the revocation to the board within twenty (20) calendar days after receipt of this notification, excluding the day he or she receives notice, or the date that the notification is returned to the board as unclaimed.

(2) A written request for an administrative hearing shall be filed with the board within twenty (20) calendar days after receipt of this notification, excluding the day the licensee receives notice, or the date that the notification is returned to the board as unclaimed. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

(3) If the request for an administrative hearing is not timely filed, the revocation shall be effective upon the expiration date for the licensee to request an appeal.

Section 4. A request for an administrative hearing shall be sent to the Kentucky Board of Ophthalmic Dispensers by mail to P.O. Box 1360, Frankfort, Kentucky 40602, by hand-delivery to 500 Mero Street, Frankfort, Kentucky 40601, or by email to [bod@ky.gov](mailto:bod@ky.gov).

Section 5. If the final order of the board is adverse to a licensee or applicant, or if the hearing is scheduled at the request of a licensee or applicant for relief from sanctions previously imposed by the board, the costs in an amount equal to the cost of stenographic services, the cost of the hearing officer, and the board's attorney fees may be assessed against the licensee or applicant. In a case of financial hardship, the board may waive all or part of the fee.

*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)