

**BOARDS AND COMMISSIONS**  
**BOARD OF OPTOMETRIC EXAMINERS**  
**(Emergency Amended After Comments)**

**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~~for 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. A licensee may submit a passing score of the Optometry Examining Board of Canada (OEBC) Part 1 to satisfy the requirements of Section 1(1) of this emergency regulation if the OEBC Part 1 test was taken by the licensee or test results were submitted by the licensee to the Kentucky Board of Optometric Examiners between July 30, 2025 and April 15, 2026.

**Section 3.** The ABO board certification exam shall be utilized for this limited purpose and for the specific review of licenses.

**Section 4.** ~~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 5.** ~~Section 4.~~ The Board shall provide written notice to the Office of the Attorney General when the credentialing investigation and review is complete.

*Mary Beth Morris, OD; President*

APPROVED BY AGENCY: April 14, 2026

FILED WITH LRC: April 15, 2026 at 10:10 a.m.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:**Christi LeMay

**Subject Headings:**Occupations and Professions, Optometry, Licensing

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

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

This administrative regulation prescribes the procedures to be followed and scores of required examinations to be submitted, reviewed and accepted by the Kentucky Board of Optometry for renewal of optometry license in 2027 for individuals who graduated optometry school between 2020-2023.

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

This administrative regulation is necessary to establish the procedures to be followed and scores of required examinations to be submitted, reviewed and accepted by the Kentucky Board of Optometry for renewal of optometry licenses in 2027. It also restricts certain procedures until all requirements are fulfilled.

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

This administrative regulation conforms to the specific authority provided in KRS 218A.205(3)(g), 320.250, 320.240(7), 320.270(4).

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

This administrative regulation sets forth the requirements for performing certain procedures and for licensure so that applicants, licensees, and the public are aware of the requirements.

**(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 amendment clarifies the examinations that are required for licensees who graduated from optometry school from 2020-2023 to submit to the Kentucky Board of Optometric Examiners for renewal in 2027.

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

This amendment is necessary to establish the examinations required for licensees who graduated from optometry school from 2020-2023 to submit to the Kentucky Board of Optometric Examiners for renewal in 2027.

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

The authorizing statutes provide the board with authority to establish the licensing requirements, as well as what examinations are required for licensure. These examinations are required to be outlined by the board in regulation.

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

This amendment provides the examinations required for licensure.

**(3) Does this administrative regulation or amendment implement legislation from the previous five years?No.**

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

This amendment affects all individuals seeking renewal of their licensure in 2027 if they graduated from optometry school from 2020-2023.

**(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:**

All applicants are required to provide passing scores of the licensing examinations established in this amendment. This amendment will no longer allow licensees to submit results of OEBC examination taken after April 15, 2026.

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

Applicants must pay the licensing fees for each required examination.

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

Compliance with this amendment is necessary to be licensed to practice optometry.

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

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

**(a) Initially:**

\$350

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

\$0

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

N/A

**(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:**

There will be no increase in fees or funding to implement this amendment.

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

This administrative regulation establishes fees for licensure. This amendment does not change any of these fees.

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

No, all changes affect licensees subject to their amendment equally.

## 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), 320.220, 320.250, 320.270, 320.280

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

No.

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

Kentucky Board of Optometric Examiners.

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

**1. Expenditures:**

**For the first year:\$350 expenditure increase with this amendment.**

**For subsequent years:\$0 expenditure increase with this amendment.**

**2. Revenues:**

**For the first year:\$0 revenue increase with this amendment.**

**For subsequent years:\$0 revenue increase with this amendment.**

**3. Cost Savings:**

**For the first year:\$0**

**For subsequent years:\$0**

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

N/A.

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

**1. Expenditures:**

**For the first year:N/A**

**For subsequent years:N/A**

**2. Revenues:**

**For the first year:N/A**

**For subsequent years:N/A**

**3. Cost Savings:**

**For the first year:N/A**

**For subsequent years:N/A**

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

N/A

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

**1. Expenditures:**

**For the first year:N/A**

**For subsequent years:N/A**

**2. Revenues:**

**For the first year:N/A**

**For subsequent years:N/A**

**3. Cost Savings:**

**For the first year:N/A**

**For subsequent years:N/A**

**(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:**

N/A

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

N/A

**(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):**

No.

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

This amendment does not change any applicant fees paid to the Kentucky Board of Optometric Examiners.