

201 KAR 5:120. Practice of optometry outside of regular office for a charitable purpose.

RELATES TO: KRS (7), 320.310(1)(f)

STATUTORY AUTHORITY: KRS 320.240(4), (7), 320.310(1)(f)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.310(1)(f) authorizes the board to promulgate administrative regulations to permit the practice of optometry outside of the licensee's regular office for a charitable purpose as defined by the board. This administrative regulation establishes the standards for the practice of optometry outside the licensee's office for a charitable purpose.

Section 1. Definitions.

- (1) "Charitable organization" means a nonprofit entity accepted by the Internal Revenue Service and organized for benevolent, educational, philanthropic, humane, social welfare, or public health purposes.
- (2) "Charitable purpose" means a purpose that holds itself out to be benevolent, educational, philanthropic, humane, or for social welfare or public health.

Section 2. In order for a Kentucky licensed optometrist to provide optometric services outside the optometrist's regular office for a charitable purpose, a charitable organization shall provide to the board:

- (1) A written request to include the services of Kentucky licensed optometrists at least thirty (30) days before the optometric services are to be offered;
- (2) Proof of its nonprofit status;
- (3) Assurance that the participating optometrist shall not be compensated or remunerated in any manner;
- (4) The names of all participating optometrists;
- (5) The address of the location where the optometric services will be offered;
- (6) The dates and times the optometric services will be offered, which shall not exceed seven (7) days per event;
- (7) A statement of the nature of the optometric services to be provided and the class of individuals who are intended to be the recipients of the optometric services;
- (8) A statement that the charitable organization shall require every participating optometrist to develop and maintain a permanent patient record for each individual treated by that optometrist; and
- (9) A statement that the charitable organization shall require every participating optometrist to comply with the minimum eye examination requirements of 201 KAR 5:040, Section 7.

Section 3. The board or its acting president may waive the thirty (30) day requirement based on exigent circumstances that prevented the charitable organization from complying with the thirty (30) day requirement.

Section 4. The board or its acting president shall notify the charitable organization in writing if its request has been approved within ten (10) business days of receipt of the completed request.

Section 5. A written request may include multiple events on different dates if the events are scheduled within twelve (12) months of the date the completed request is received by the board.

Section 6. Requirements for Eyeglasses Provided.

- (1) If eyeglasses are provided as part of the charitable service, all materials shall be new, first quality and free from defects.

(2) Lenses shall be:

- (a) First quality and meet the requirements of inspection, tolerance, and testing procedures as outlined in the American Standard Prescription Requirements; and
- (b) Made to meet the individual recipient's personal prescription.

Section 7. Failure to comply with the terms of this administrative regulation may result in denial or withdrawal of approval.

(201 KAR 005:120. 35 Ky.R. 1673; 2080; 2408; eff. 6-5-2009; Crt eff. 1-23-2019; Expired 1-23-2026, 7 years after last effective date, KRS 13A.3102.)