

1 AN ACT relating to optometrists.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 320 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) An optometrist who meets each of the following criteria is immune from civil*  
6 *liability resulting from any act or omission related to the provision of optometry*  
7 *services and shall not be disciplined by the board for the provision of these*  
8 *services:*

9 *(a) The optometrist provides the services voluntarily to another individual*  
10 *without compensation within the optometrist's scope of practice at a*  
11 *location that is listed on the optometrist volunteer registry established under*  
12 *Section 2 of this Act;*

13 *(b) The optometrist, before providing the services:*

14 *1. Notifies the individual receiving the services or the person who is*  
15 *legally responsible for the care of the individual receiving the services*  
16 *that the optometrist is immune from civil liability relating to the*  
17 *provision of the services; and*

18 *2. Obtains the signature of the individual receiving the services or the*  
19 *person who is legally responsible for the care of the individual*  
20 *receiving the services on a waiver that states that the optometrist*  
21 *providing the services is immune from civil liability relating to the*  
22 *provision of the services;*

23 *(c) The optometrist providing the optometry services is listed on the optometrist*  
24 *volunteer registry established under Section 2 of this Act; and*

25 *(d) Approved locations where the volunteer optometry services are provided*  
26 *shall be locations other than the optometrist's regular office or place of*  
27 *practice.*

1 (2) An optometrist providing services as authorized by this section may recommend  
2 additional screenings or tests, and shall provide written documentation of the  
3 recommendation, to the individual receiving the services or the person who is  
4 legally responsible for the care of the individual receiving the services.

5 (3) The sponsoring organization, owner, operator, lessor, or lessee of a location  
6 listed on the optometrist volunteer registry is immune from civil liability resulting  
7 from any act or omission related to the provision of optometry services at the  
8 location if it:

9 (a) Permits an optometrist who is listed on the optometrist volunteer registry to  
10 provide optometry services at the location; and

11 (b) Receives no compensation for permitting the provision of optometry services  
12 at the location.

13 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 320 IS CREATED TO  
14 READ AS FOLLOWS:

15 (1) The board shall establish and maintain an electronic optometrist volunteer  
16 registry of:

17 (a) Optometrists who have registered their intent to provide qualifying  
18 volunteer optometry services; and

19 (b) Locations approved by the board for the provision of volunteer optometry  
20 services.

21 (2) The board shall promulgate administrative regulations establishing the duties,  
22 privileges, and qualifications relating to the optometrist volunteer registry.

23 (3) The board shall approve and add to the registry any location submitted by an  
24 optometrist unless the board has substantial evidence that the location presents a  
25 clear danger to public health or public safety. An optometrist shall submit and  
26 receive approval for a location before providing any volunteer optometry services  
27 at that location.

1 **(4) The board shall make the electronic optometrist volunteer registry available to**  
 2 **licensees and the public through its Web site or other reasonable electronic**  
 3 **means.**

4 ➔Section 3. KRS 320.310 is amended to read as follows:

5 (1) The board may refuse to issue, refuse to renew, limit or restrict, revoke, or suspend  
 6 a license, may place on probation, or reprimand a licensee, may order restitution,  
 7 may impose a fine not to exceed one thousand dollars (\$1,000) for each violation of  
 8 this chapter or the corresponding administrative regulations, or may impose any  
 9 combination of these penalties if it finds that an applicant or a licensee has:

10 (a) Engaged in any practice of fraud or deceit in obtaining or attempting to obtain  
 11 a license;

12 (b) Been convicted of any felony or has been convicted of a misdemeanor  
 13 involving sexual misconduct, if in accordance with KRS Chapter 335B. A  
 14 record of the conviction or a certified copy of the record shall be conclusive  
 15 evidence of the conviction;

16 (c) Chronic or persistent inebriety or addiction to a drug habit to an extent that  
 17 continued practice is dangerous to patients or to the public safety;

18 (d) Been granted a license upon a mistake of material fact;

19 (e) Engaged in incompetence, as determined by the board;

20 (f) Practiced as an itinerant, peddled from door to door, established a temporary  
 21 office, or practiced optometry outside of or away from his or her regular office  
 22 or place of practice, except **as authorized by Section 1 of this Act.**

23 **Additionally,**~~that~~ the board may promulgate administrative regulations to  
 24 authorize the practice of optometry outside of the licensee's regular office for  
 25 **any other**~~a~~ charitable purpose as defined by the board;

26 (g) Employed, procured, induced, aided, or abetted any person, not holding a  
 27 Kentucky license, to practice optometry or in practicing optometry;

- 1 (h) Used the title "doctor" or its abbreviation without further qualifying this title  
2 or abbreviation with the word "optometrist" or suitable words or letters  
3 designating an optometry degree;
- 4 (i) Engaged in any conduct likely to deceive or defraud the public;
- 5 (j) Violated any order issued by the board;
- 6 (k) Had his or her license to practice optometry in any other jurisdiction revoked,  
7 suspended, limited, placed on conditions of probation, or subjected to any  
8 other disciplinary action by that jurisdiction's licensing authority;
- 9 (l) Prescribed any therapeutic agent in an amount that the optometrist knows, or  
10 should know, is excessive under accepted and prevailing standards, or which  
11 the optometrist knows, or has reason to know, will be used or is likely to be  
12 used other than for an accepted therapeutic purpose;
- 13 (m) Developed a physical or mental disability, or other condition, which renders  
14 the continued practice by the optometrist dangerous to patients or the public;
- 15 (n) Violated any statute under this chapter or administrative regulation  
16 promulgated under those statutes;
- 17 (o) Violated KRS 304.39-215; or
- 18 (p) Engaged in conduct that is subject to the penalties under KRS 304.99-060(4)  
19 or (5).
- 20 (2) Nothing in this section shall prevent an optometrist from establishing branch offices  
21 if each office contains minimum equipment as required by administrative regulation  
22 of the board, ensures patient care as necessary, and has a Kentucky licensed  
23 optometrist in charge of the office.
- 24 (3) Any licensee, permit holder, or certificate holder who is disciplined under this  
25 chapter for a minor violation may request in writing that the board expunge the  
26 minor violation from the licensee's, permit holder's, or certificate holder's  
27 permanent record.

1           (a) The request for expungement may be filed no sooner than three (3) years after  
2           the date on which the licensee, permit holder, or certificate holder has  
3           completed disciplinary sanctions imposed and if the licensee, permit holder, or  
4           certificate holder has not been disciplined for any subsequent violation of the  
5           same nature within this period of time.

6           (b) No person may have his or her record expunged under this chapter more than  
7           once.

8           The board shall promulgate administrative regulations under KRS Chapter 13A to  
9           establish violations which are minor violations under this subsection. A violation  
10          shall be deemed a minor violation if it does not demonstrate a serious inability to  
11          practice the profession; adversely affect the public health, safety or welfare; or  
12          result in economic or physical harm to a person, or create a significant threat of such  
13          harm.