

BOARDS AND COMMISSIONS
Kentucky Board of Optometric Examiners
(New Administrative Regulation)

201 KAR 5:005. Fees, fines, and forms.

RELATES TO: KRS 218A.205(3)(g), 320.220, 320.250, 320.270

STATUTORY AUTHORITY: KRS 218A.205(3)(g), 320.240(7), 320.270(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.220 requires all persons who practice optometry in this state to be licensed by the Kentucky Board of Optometric Examiners. KRS 320.250 establishes criteria for an applicant to apply for a license. KRS 320.270 grants the board the discretion to admit to practice in Kentucky persons licensed to practice optometry in other states. KRS 218A.205(3)(g) requires fingerprint-supported criminal record checks and queries to the National Practitioner Data Bank on applicants. This administrative regulation prescribes the procedures to be followed in making application to the board for a license, renewal of that license, and fines those who fail to comply with continuing education requirements.

Section 1. Initial Application Fee. A non-refundable initial application and license fee shall be \$500 per year.

Section 2. Application for License by Endorsement Fee. A non-refundable application and license shall be \$700 per year.

Section 3. Initial License Fee. A non-refundable initial license fee shall be pro-rated from \$250 for the remainder of months left in the license year.

Section 4. Renewal License Fee. A non-refundable renewal fee shall be \$250 per year.

Section 5. Late Renewal License Fee. A non-refundable late renewal fee shall be \$100, in addition to the Renewal License Fee outlined in Section 4 of this administrative regulation.

Section 6. Duplicate License Fee. A non-refundable fee for a duplicate license renewal certificate shall be twenty (20) dollars.

Section 7. Reinstatement Fee. A reinstatement fee shall be \$250 for each year, or any portion of a year that the license was not renewed.

Section 8. Reinstatement Administrative Processing Fee. A reinstatement administrative processing fee shall be \$300, in addition to the Reinstatement Fee outlined in Section 7 of this administrative regulation.

Section 9. Name Change Fee. A non-refundable fee to process a name change shall be twenty (25) dollars.

Section 10. Insufficient Funds Fee. A fee for returned check or denied online banking (ACH) payment shall be fifty (50) dollars.

Section 11. Continuing Education Non-compliance Fine. A fine of \$500 shall be assessed against any licensee who fails to comply with the Continuing Education requirements for Kentucky Optometrists as outlined in KRS 320.280 and 201 KAR 5:030. The initial assessment of this fine against a licensee shall not result in disciplinary action and shall not be reported to the National Practitioners Databank (NPDB). However, any subsequent violations of this provision may be reported to the NPDB at the discretion of the board. In such instances, the action will be appealable pursuant to KRS 320.321, 201 KAR 5:070, and KRS Chapter 13B.

Section 12. License Verification List. A fee for a licensee verification list shall be \$100.

Section 13. Individual License Verification. A fee for an individual licensee written verification shall be twenty-five (25) dollars.

Section 14. Incorporation by Reference.

- (1) The following material is incorporated by reference from www.optometry.ky.gov:
 - (a) "Application for License to Practice Optometry", March 2023; and
 - (b) "Application for License by Endorsement to Practice Optometry", March 2023.
 - (c) "Application for Expanded Therapeutic Procedures Course", March 2023;
 - (d) "Application for Kentucky Licensed Optometrist to be Credentialed to Utilize Expanded Therapeutic Procedures", March 2023;
 - (e) "Application for New Applicant to be Credentialed to Utilize Expanded Therapeutic Procedures", March 2023;
 - (f) "Application for Endorsement to be Credentialed to Utilize Expanded Therapeutic Procedures", March 2023;
 - (g) "Preceptor Approval Form", March 2023;
 - (h) "Preceptor Evaluation of Expanded Therapeutic Laser Procedure", March 2023; and
 - (i) "Application to Utilize Expanded Therapeutic Laser Procedure(s)", March 2023.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Optometric Examiners, 2365 Harrodsburg Road, Suite A240, Lexington, Kentucky 40504, telephone (859) 246-2744, Monday through Friday, 9 a.m. to 4:30 p.m. or on our Web site www.optometry.ky.gov

WILLIAM REYNOLDS, President

APPROVED BY AGENCY: September 8, 2023

FILED WITH LRC: September 14, 2023 at 2:20 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 21, 2023 at 3:00 p.m. at the Kentucky Board of Optometric Examiners, 2365 Harrodsburg Road, Suite A240, Lexington, Kentucky 40504. Individuals interested in attending this hearing shall notify this agency in writing by 4:30 p.m. on November 14, 2023, five workdays prior to this hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on November 30, 2023. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Christi LeMay, Executive Director, Kentucky Board of Optometric Examiners, 2365 Harrodsburg Road, Suite A240, Lexington, Kentucky 40504; phone (859) 246-2744; fax (859) 246-2746; email christi.lemay@ky.gov.