

BOARDS AND COMMISSIONS
Board of Optometric Examiners
(Amendment)

201 KAR 5:005. Fines and fees. ~~{Fees, fines, and forms}.~~

RELATES TO: KRS 218A.205(3)(h), (8), 320.220, 320.250, 320.270, 320.310

STATUTORY AUTHORITY: KRS 218A.205(3)(h), (8), 320.240(4), (7), 320.270(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.240(4) requires the board to promulgate administrative regulations for the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists. 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 authorizes the board to admit to practice in Kentucky persons licensed to practice optometry in other states. KRS 218A.205(3)(h) and (8) require fingerprint-supported criminal record checks and queries to the National Practitioner Data Bank on applicants. This administrative regulation establishes fees, including fees relating to licensure 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, as established in 201 KAR 5:010.

Section 2. Application for License by Endorsement Fee. A non-refundable application and license by endorsement fee shall be \$700 per year, as established in 201 KAR 5:010.

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 license fee shall be \$300~~{ \$250 }~~ per year, as established in 201 KAR 5:090.

Section 5. Late Renewal License Fee. A non-refundable late renewal license 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 \$300~~{ \$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-five (25) dollars.

Section 10. Insufficient Funds Fee. An insufficient funds fee for a 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

these instances, the action will be appealable pursuant to KRS 320.331 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.

JOE ELLIS, OD, President

APPROVED BY AGENCY: August 20, 2024

FILED WITH LRC: August 30, 2024 at 10:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 21, 2024, at 2:00 p.m. EST, at 2365 Harrodsburg Road, Suite A240, Lexington, Kentucky 40504. Individuals interested in being heard at this hearing shall notify this agency in writing by five 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 November 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christi LeMay, Executive Director, 2365 Harrodsburg Road, Lexington Kentucky 40504, (859) 246-2744, christi.lemay@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Christi LeMay

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This amendment will increase renewal fees to offset administrative costs for updated software.

(b) The necessity of this administrative regulation:

Our current database is housed on Microsoft Access that is no longer supported and must be replaced. We have budgeted and been allotted the necessary funds, however, our revenue stream does not meet our needs without an increase in renewal fees.

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

KRS authorizes the Board to set fees.

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

Kentucky statute requires that we issue and administer the licensing process. We require an updated database to fulfill our duties.

(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 will increase renewal fees to offset administrative costs for updated software.

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

Our current database is housed on Microsoft Access that is no longer supported and must be replaced. We have budgeted and been allotted the necessary funds, however, our revenue stream does not meet our needs without an increase in renewal fees.

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

KRS authorizes the Board to set fees.

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

Kentucky statute requires that we issue and administer the licensing process. We require an updated database to fulfill our duties.

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

This amendment will affect all currently licensed optometrists in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) 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 (3) will have to take to comply with this administrative regulation or amendment:

The potential applicant will need to sit for and pass the OBOE written examination that is done online.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

This amendment will give applicants a choice, not require them to take the OBOE written exam and does not incur a cost more than the accepted NBEO Part 1 exam.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

This amendment will give applicants an additional path to secure a Kentucky optometrist license by \$50 annually. The last increase in our fee occurred more than 8 years ago. This is only the second fee increase of \$50 each time since licensing of optometrists began in the state of KY.

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

(a) Initially:

\$0

(b) On a continuing basis:

\$0

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

N/A

(7) 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 an increase of renewal fees with the implementation of this amendment.

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

This amendment increases the fee to renew a Kentucky optometrist license.

(9) TIERING: Is tiering applied?

There is no tiering, only a flat fee.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

201 KAR 5:005; 201 KAR 5:090; KRS 320.280

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

Kentucky Board of Optometric Examiners

(a) Estimate the following for the first year:

Expenditures:\$0

Revenues:\$45,000

Cost Savings:\$0

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The same increased revenues of \$45,000 will be realized each year.

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

This will not impact any local entities.

(a) Estimate the following for the first year:

Expenditures:\$0

Revenues:\$0

Cost Savings:\$0

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(4) Identify additional regulated entities not listed in questions (2) or (3):

None

(a) Estimate the following for the first year:

Expenditures:\$0

Revenues:\$0

Cost Savings:\$0

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

: N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This regulation will result in a fee increase of \$50 annually to renew an optometrist license in Kentucky.

(b) Methodology and resources used to determine the fiscal impact:

The Board used a flat fee increase to offset the administrative shortfall we are experiencing.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4).

(\$500,000 or more, in aggregate)

This regulation will not have an overall negative or adverse major economic impact.

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