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MEMORANDUM

TO: Sara Janes, Staff Attorney, Public Protection Cabinet for Board of Ophthalmic Dispensers

FROM: Ange Darnell, Regulations Compiler

RE: Proposed Amendments/New Regulations – 201 KAR 13:010, 201 KAR 13:040, 201 KAR 13:050, 201 KAR 13:055, 201 KAR 013:065, 201 KAR 13:071 & 201 KAR 13:075

DATE: February 12, 2026

A copy of each administrative regulation listed above is enclosed for your files. If these administrative regulations follow the standard KRS Chapter 13A timeline, they would be tentatively scheduled for a full review by the Administrative Regulation Review Subcommittee at its **MAY 2026** meeting.

Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration or a one-month extension request for these regulations would be due **by noon on May 15, 2026**. Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment period and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

Enclosures

FEB 12 2026

Ange Dainell

REGULATIONS COMPILER

1 GENERAL GOVERNMENT CABINET

2 BOARD OF OPHTHALMIC DISPENSERS

3 (Amendment)

4 201 KAR 13:010. Board; powers, duties, meetings.

5 RELATES TO: KRS 326.020

6 STATUTORY AUTHORITY: KRS 326.020(3)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3) grants the board the

8 authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 326.

9 This administrative regulation specifies the powers and duties of the board and its officers, and
10 meeting date requirements.

11 Section 1. Officers; Duties; Meetings.

12 (1) Three (3) members of the board shall constitute a quorum for the transaction of
13 business.

14 (2)

15 (a) The board shall meet at least three (3) times each year on an annual schedule approved
16 by the board during the last quarter of each calendar year.[as follows:

17 ~~1. The third Wednesday in March;~~

18 ~~2. The third Wednesday in July; and~~

19 ~~3. The third Wednesday in November.]~~

1 (b) Other meetings of the board may~~[shall]~~ be called by the chair~~[chairman on his own~~
2 ~~motion]~~ or by written request of three (3) board members.

3 (c) ~~[The secretary treasurer shall give timely]~~ Timely notice of the time and place of the
4 meetings shall be given to each member.

5 (3) The officers of the board shall discharge the duties that usually pertain to their
6 respective offices.

7 (4) ~~[The secretary treasurer shall:~~

8 ~~(a) Keep a permanent record of the names and addresses of all persons holding a license;~~
9 ~~and~~

10 ~~(b) Annually transmit the names and addresses of the current chairman and the secretary-~~
11 ~~treasurer and the board's business address to the Secretary of State, Commonwealth of Kentucky.~~

12 ~~(5) All licenses shall be signed by both the chairman and the secretary treasurer.~~

13 ~~(6)]~~ All fees and monies collected shall be deposited in the State Treasury to the credit of
14 an agency fund for the use of the board.

201 KAR 13:010

APPROVED BY AGENCY:



Curt Duff

Chair, Board of Ophthalmic Dispensers

Date: February 11, 2026

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on Tuesday, April 21, 2026, at 2:00 PM, Eastern Time, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) 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 April 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person by using the PPC public comment portal at the address listed below.

CONTACT PERSON:

Name: Sara Boswell Janes

Title: Staff Attorney III

Agency: Department of Professional Licensing, Office of Legal Services

Address: 500 Mero Street, 2 NC WK#2

Phone Number: (502) 782-2709 (office)

Fax: (502) 564-4818

Email: Sara.Janes@ky.gov

Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 13:010
Contact Person: Sara Boswell Janes
Phone Number: (502) 782-5245 (office)
Email: sara.janes@ky.gov

Subject Headings: Ophthalmic Dispensing, Licensing, Boards and Commissions

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation specifies the procedures under which the board operates and board meeting requirements.
 - (b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure orderly transaction of business by the board.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 326.020(3) which gives the board the authority to promulgate regulations that will enable it to operate effectively.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation identifies administrative details that the board will follow in its operation.

- (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: The amendment will update the regulation to be consistent with current administrative processes of the board, including the removal of prescriptive language for scheduling of board meetings and transmitting information that is not statutorily required.
 - (b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update the language to conform with current administrative processes and to eliminate unnecessary duties.
 - (c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the authority to promulgate administrative regulations to carry out the purposes of the chapter.
 - (d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administrative on the statutes by allowing the board to establish a schedule that will work for its board members without prescribing what week and day the meeting must occur without amending the regulation; and, by eliminating transmittal of information that is unnecessary and burdensome.

- (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: There are approximately 527 licensed ophthalmic dispensers and 174 licensed apprentice ophthalmic dispensers who will be affected by this administrative regulation.

(5) 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: There are no actions required for the regulated entities.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to the entities.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The board will have a regulation with procedures consistent with current practices within which to operate.

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

- (a) Initially: No new costs will be incurred by the changes.
- (b) On a continuing basis: No new costs will be incurred by the changes.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicants.

(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: This amendment specifically relates to operating procedures of the board.

(9) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment to this administrative regulation does not increase fees directly or indirectly.

(10) TIERING: Is tiering applied? (Explain why or why not): This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

Regulation No. 201 KAR 13:010
Contact Person: Sara Boswell Janes
Phone Number: (502) 782-2709 (office)
Email: sara.janes@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 326.020.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure. KRS 326.080(1) specifically authorizes the board to promulgate administrative regulations to carry out the purposes and provisions of the chapter.

(3) (a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Ophthalmic Dispensers is the promulgating agency and the only affected state unit, part, or division.

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

(4) (a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None

For subsequent years: None

(5) (a) Identify additional regulated entities not listed in questions (3)(a) or (4)(a): There are no other regulated entities not otherwise listed.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(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: This administrative regulation will not generate revenue for state or local government

(b) Methodology and resources used to determine the fiscal impact: The board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

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

(b) The methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.