

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 13:040
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Subject Headings: Ophthalmic Dispensing, Licensing, Fees

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation establishes the requirements for licensure as an ophthalmic dispenser or an apprentice ophthalmic dispenser, including the establishment of fees.
- (b) The necessity of this administrative regulation: This administrative regulation is necessary to advise the public, licensees, and applicants of the requirements for licensure, including fees to be paid, experience required, and examinations. Additionally, it addresses inactive license and temporary permit status.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements for application including forms to be completed, fees to be paid, and required experience, education, and examinations. The administrative regulation also establishes other license statuses.

(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 increase the renewal fee as authorized by the 2024 General Assembly pursuant to 2024 House Bill 17. The amendment also clarifies the required fees for reinstatement of an expired or inactive license and further clarifies the timeline for an inactive apprentice ophthalmic dispenser continues to run. Finally, the amendment updates the materials incorporated by reference, including the addition of form numbers.
- (b) The necessity of the amendment to this administrative regulation: The amendment is necessary to increase fees because the costs for administrative and legal services have led the Board to operate with an annual budget which leaves no room for services that may be needed, including investigative services which not currently available. Further, the requirement of paying renewal and late fees in addition to the reinstatement fee was not clear and needed to be inclusive for transparency. Finally, the forms needed revision to assist with the effective administration of licensure.
- (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 ability to promulgate regulations related to fees as are necessary to operate in such a way to protect the public it is charged to serve.
- (d) How the amendment will assist in the effective administration of the statutes: The amendment will provide the Board with additional revenue necessary to continue to operate

and fulfill its statutory duties and correct technical problems created by some of the material incorporated by reference.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. 2024 HB 17.

(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: The licensees will have an increased annual renewal fee.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Upon renewal, one hundred twenty-five dollars (\$125) for a licensed ophthalmic dispenser and one hundred dollars (\$100) for an apprentice ophthalmic dispenser.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The board will have the funds to hire an investigator for enforcement of the statutes and regulations, and be able to pay for necessary administrative and legal services.

(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 a renewal fee increase but the changes will not cause any additional services to be used which would require additional revenue to implement the regulation.

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

(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.