LEGISLATIVE RESEARCH COMMISSION
State Capitol 700 Capital Avenue Frankfort KY 40601
502-564-8100
Capitol Fax 502-564-2922
Annex Fax 502-564-6543
legislature.ky.gov
Jay D. Hartz
Director

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

GENERAL GOVERNMENT CABINET

BOARD OF OPHTHALMIC DISPENSERS

(New Administrative Regulation)

201 KAR 13:065. Complaint Management.

RELATES TO: KRS 326.090

STATUTORY AUTHORITY: KRS 326.020(3)(a) and (5), 326.030, 326.090, 326.100

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 326 authorizes the board to promulgate administrative regulations to carry out the purposes and provisions KRS 326.010 through 326.990. This administrative regulation establishes the procedures for filing, investigating and addressing a complaint filed against an ophthalmic dispenser, apprentice ophthalmic dispenser and a person or entity who operates an optical establishment contrary to this chapter.

Section 1. Receipt of Complaints.

(1) A complaint:

(a) May be submitted by an:

1. Individual;

2. Organization; or

3. Entity;

(b) Shall be:

1. In writing and provided on the Complaint Form, DPL-BOD-11;

2. Signed by the person submitting the complaint; and

3. Notarized.

(c) May be filed by the board based upon information in its possession.

(2)

(a) Upon receipt of a complaint, a copy of the complaint with the address, phone number and email address of the complainant redacted shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint.

(b) The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

(3)

(a) Upon receipt of the written response of the individual named in the complaint, a copy of his or her response shall be sent to the complainant.

(b) The complainant shall have seven (7) days from receipt to submit a written reply to the response.

Section 2. Initial Review.

(1) After the receipt of a complaint and the expiration of the period for the individual's response or reply, the complaints committee shall consider the complaint, the individual's response, the complainant's reply to the response, the preliminary recommendation of the board's attorney, and any other relevant material available to the board. The complaints committee shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the complaints committee determines before formal investigation that a complaint is without merit, it shall recommend to the board that the complaint be dismissed and that the complainant and respondent be notified of the board's decision.

(3) If the complaints committee determines that a complaint warrants a formal investigation, it shall recommend that the board authorize an investigation into the matter and for a report to be made to the complaints committee at the earliest opportunity.

Section 3. Results of Formal Investigation; Board Decision on Hearing.

(1) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint. The committee shall review the investigative report and make a recommendation to the board. The board shall determine whether there has been a prima facie violation of KRS 326.010 to 326.990 or the administrative regulations promulgated thereunder, and further whether a formal complaint should be issued.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, it shall:

(a) Dismiss the complaint or take action pursuant to KRS 326.090; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint, which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual as required by KRS Chapter 13B. The hearing shall be held in accordance with KRS Chapter 13B.

(4) If the board determines that a person, or an optical establishment as identified in KRS 326.030 and 201 KAR 13:080, may be in violation, it shall:

(a) Order the individual or the optical establishment, to cease and desist from further violations of KRS 326.030;

(b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 326.030 with a request that appropriate action be taken under KRS 326.990; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 326.030.

Section 4. Settlement by Informal Proceedings; Letter of Admonishment.

(1) The board, through counsel and the complaints committee, may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter. Any agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chair of the board or another member authorized by the board. The board may employ mediation as a method of resolving the matter informally.

(2) The board may, at any time during this process, issue a letter of admonishment to the individual who is named in the complaint as a means of resolving the complaint. The action may be taken if the board determines that this is an appropriate method of dispensing with the complaint. Such letter of admonishment shall be sent to the individual with a copy placed in the individual's permanent file. Within thirty (30) days of the date of the letter, the individual shall have the right to file a written response to the letter and have it attached to the letter of admonishment and placed in the permanent file. The individual shall also, within thirty (30) days of the date of the letter, have the right to appeal the letter of admonishment and be granted a full hearing on the complaint. If this appeal is requested, the board shall immediately file a formal complaint in regard to the matter and set a date for a hearing.

Section 5. Notice and Service of Process.

(1) Any notice required by the Act or this administrative regulation shall be in writing, dated and signed by the chair or another member authorized by the board.

(2) Service of notice and other process shall be made by hand-delivery or delivery by certified mail, return receipt requested, to the individual's last known address of which the board has record or, if known, by such service on the named individual's attorney of record, if appropriate. Refusal of service if by certified mail; or avoidance of service if hand-delivered shall not prevent the board from pursuing proceedings as may be appropriate.

(3) When notice of the initial date for the administrative hearing is given by either the board or the hearing officer, the notice shall be sent to the appropriate person at least twenty (20) days prior to the date of the hearing.

Section 6. Publication. The board shall make public:

(1) Its final order in a disciplinary action under KRS 319A.190 except for a written admonishment issued; and

(2) An action to restrain or enjoin a violation for the unauthorized practice of ophthalmic dispensing.

Section 7. Incorporation by Reference.

(1) "Complaint Form with Information Sheet and Authorization for Release of Medical and Client Records", DPL-BOD-10, December 2025, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Ophthalmic Dispensers, 500 Mero St, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:00 p.m. This material is also available on the board's website at www.bod.ky.gov.

201 KAR 13.065

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

201 KAR 13:065
Contact Person: Sara Boswell Janes, Staff Attorney III
Phone: 502-782-2709
Email: sara.janes@ky.gov

Subject Headings: Ophthalmic Dispensing, Consumer Protection, Administrative Hearings

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the complaint, cease and desist, and administrative hearing process to address alleged violations brought before the board.

(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to establish a complaint, cease and desist, and administrative hearing process to address alleged violation brought before the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate administrative regulations regarding the requirements for enforcing KRS 326.010 through 326.990 and 201 KAR Title 13, including the complaint and administrative hearing process to address alleged violations brought before the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in establishing the complaint, investigation, enforcement, and administrative hearing process of alleged violations brought before the board.

(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: N/A

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

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

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

(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 (4) 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 (4) will have to take to comply with this administrative regulation or amendment: This regulation will codify the existing procedure utilized by the board in the instance of a complaint, and therefore a licensee will

have to take no additional action to comply with the new regulation if a disciplinary action ensues against the licensee.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost associated with compliance with this new regulation unless the licensee elects to hire an attorney to defend in the disciplinary action.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will provide the benefit of ensuring the board has clear instructions and guidelines to facilitate disciplinary proceedings.

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

(a) Initially: There is no initial cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: There is no continuing cost to the administrative body to implement this administrative regulation.

(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: No increase in fees or funding will be necessary implement the amendment to this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.

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

FISCAL IMPACT STATEMENT

201 KAR 13:065
Contact Person: Sara Boswell Janes, Staff Attorney III
Phone: 502-782-2709
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(3)(a) and (5), 326.090, 326.100

(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.

(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: 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 or have a fiscal impact on 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.

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE
201 KAR 13:065

The following are materials are now incorporated by reference:

"Complaint Form with Information Sheet and Authorization for Release of Medical and Client Records", DPL-BOD-10, December 2025, consisting of four (4) pages, is incorporated by reference.

KENTUCKY BOARD OF OPHTHALMIC DISPENSERS

PUBLIC PROTECTION CABINET – DEPARTMENT OF PROFESSIONAL LICENSING
P.O. Box 1360, Frankfort, Kentucky 40602
500 Mero Street Frankfort, Kentucky 40601 (Overnight Delivery Only)
Phone: (502) 782.8810 | Fax: (502) 564.4818 | Website: bod.ky.gov | Email: BOD@KY.GOV

COMPLAINT FORM WITH INFORMATION SHEET AND AUTHORIZATION FOR RELEASE OF MEDICAL AND CLIENT RECORDS

What are your rights?

You have a right to expect a professional standard of conduct from a licensed ophthalmic dispenser or a licensed apprentice ophthalmic dispenser. If you believe an ophthalmic dispenser or an apprentice ophthalmic dispenser has violated Kentucky statutes or regulations, you may send a written complaint to the Kentucky Board of Ophthalmic Dispensers. As the body responsible for regulating the profession and protecting the public in matters related to ophthalmic dispensing, the Board will review your complaint and take appropriate action.

How does the complaint process work?

Complaints that have been received in writing at the Board office will be acknowledged immediately by letter. A copy of the complaint will be forwarded to the individual named in the complaint who will be given twenty (20) days to respond. The complaint and response will then be reviewed by the Board at the next meeting. If no law appears to have been broken, you will receive notification from the Board. If the Board believes a law may have been broken, an investigation will take place. If the Board files formal charges against an ophthalmic dispenser or licensed apprentice ophthalmic dispenser because of the investigation, an administrative hearing may be held. This formal hearing involves lawyers, a court reporter, a hearing officer and witnesses. If the Board finds that the ophthalmic dispenser or licensed apprentice ophthalmic dispenser has not met the prescribed standard of conduct, it has the authority to impose penalties ranging from suspension or loss of a license to a reprimand. A penalty may be reached by agreement between the Board and the ophthalmic dispenser or licensed apprentice ophthalmic dispenser.

What might I expect from filing a complaint?

The complaint process is a detailed and careful one, and you should expect some delay. In every case the ophthalmic dispenser or licensed apprentice ophthalmic dispenser will be informed that a complaint has been filed, the name of the complainant, and the disposition of the complaint. Not every complaint results in disciplinary action by the Board if there is not sufficient evidence the individual has violated the laws governing this profession. If charges are filed, a hearing may be held similar to a court trial, and it is open to the public. You may be subpoenaed as a witness to provide testimony regarding the case. In this event Board counsel will assist you in preparing for the hearing. If the Board orders a specific sanction, the individual has the right to appeal, and a final decision may be delayed in the courts. While you may have an opinion regarding the process and outcome of processing your complaint, please remember that the decisions to dismiss or settle a case or propose disciplinary measures are solely the decision of the Board and may be subject to review by the courts.

If the Board files formal charges or takes formal action against an ophthalmic dispenser or a licensed apprentice ophthalmic dispenser, most portions of the investigative file will become "public record" which can be viewed by any individual who requests, in writing, to do so. The record may include your written complaint, transcripts, or reports of interviews, letters, and other reports. All testimony and evidence admitted in a formal hearing have the status of public record as well. Patient records obtained in the process of investigation usually can be protected from disclosure as public records.

Throughout the various stages of the complaint process, you will be kept informed. You will also be advised of the final outcome.

How do I make a complaint?

You should complete the complaint form that accompanies this information sheet. Make sure you give all pertinent information. Please sign the complaint form so that the Board may look further into your concerns. If your complaint refers to treatment of a specific patient, the patient must sign the "Client Agreement to Release Information" form as well. Complaints and release forms should be mailed to:

KENTUCKY BOARD OF OPHTHALMIC DISPENSERS
PO BOX 1360
FRANKFORT, KY 40602

FILED: FEBRUARY 12, 2026

KENTUCKY BOARD OF OPHTHALMIC DISPENSERS

PUBLIC PROTECTION CABINET – DEPARTMENT OF PROFESSIONAL LICENSING
P.O. Box 1360, Frankfort, Kentucky 40602
500 Mero Street Frankfort, Kentucky 40601 (Overnight Delivery Only)
Phone: (502) 782.8810 | Fax: (502) 564.4818 | Website: bod.ky.gov | Email: BOD@KY.GOV

COMPLAINT FORM

COMPLAINANT INFORMATION

Name:	
Address:	
Telephone:	Email Address:

OPHTHALMIC DISPENSER/APPRENTICE OPHTHALMIC DISPENSER INFORMATION

Name:	
Business Name:	
Address:	
Telephone:	Email Address

PATIENT INFORMATION

Name:	
Address:	
Telephone:	Email Address:
Relationship to person filing complaint:	

Name:	Telephone:	Type of Information:
Name:	Telephone:	Type of Information:
Name:	Telephone:	Type of Information:
Name:	Telephone:	Type of Information:

Send to: **KENTUCKY BOARD OF OPHTHALMIC DISPENSERS**
PO BOX 1360
FRANKFORT KY 40602-1360

KENTUCKY BOARD OF OPHTHALMIC DISPENSERS

PUBLIC PROTECTION CABINET – DEPARTMENT OF PROFESSIONAL LICENSING
P.O. Box 1360, Frankfort, Kentucky 40602
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BRIEF SUMMARY OF COMPLAINT

(Please be as specific as possible regarding names, dates, locations, and actions which you believe to be improper, unethical or unprofessional.) Please attach copies of any documents or records pertinent to your complaint.

By signing this complaint form, I hereby certify that the information is complete and true to the best of my knowledge.

Name: Date:

KENTUCKY BOARD OF OPHTHALMIC DISPENSERS
PUBLIC PROTECTION CABINET – DEPARTMENT OF PROFESSIONAL LICENSING
P.O. Box 1360, Frankfort, Kentucky 40602
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Phone: (502) 782.8810 | Fax: (502) 564.4818 | Website: bod.ky.gov | Email: BOD@KY.GOV

AUTHORIZATION FOR THE USE AND DISCLOSURE OF HEALTH INFORMATION

Patient's Full Legal Name: _____
Address: _____
Date of Birth: _____ Social Security #: _____
Medical Record #_____ Telephone: _____

I, the undersigned, hereby authorize_____ to use or disclose my health information, as described below, to the Kentucky Board of Ophthalmic Dispensers or any authorized agent or investigator of the Board. I authorize **the Board** to obtain my health information, as described below, from (name or names of health care provider):

The information to be used or disclosed includes the following specified information: All Medical Records maintained by the health care provider(s) named above during approximate time period from_____ to _____ including information related to my identity, diagnosis, prognosis and/or treatment, any and all medical and vision records, billing information, and medical and vision reports from the above-named Licensed Ophthalmic Dispenser and other health care providers.

I understand that the above records may be used by the Board in the investigation and possible disciplinary prosecution under KRS Chapter 326 against the ophthalmic dispenser. A photocopy of this authorization shall be deemed effective as an original. This release is being executed in the context of health oversight activities and administrative proceedings by the Kentucky Board of Ophthalmic Dispensers. As such, this disclosure is permitted under 45 C.F.R. Section 164.512(a), (d), and (e), the regulations implementing the Health Insurance Portability and Accountability Act ("HIPPAA"). The Board will make reasonable efforts to protect the confidentiality of these records under KRS Chapter 61 and Chapter KRS 13B, or other applicable law.

Federal and state laws protect the information disclosed pursuant to this Authorization. I understand that if the authorized recipient of the information is not a health care provider or health plan covered by federal privacy regulations, the information may be re-disclosed and no longer protected. However, the recipient may be prohibited from disclosing any substance abuse information under the federal confidentiality requirements for alcohol and drug abuse patient records and the Public Health Service Act. Such information may not be used to criminally investigate or prosecute any alcohol or drug patient. Further, state law prohibits a recipient from making any further disclosure of test results relating to HIV or AIDS without the specific written consent of the person to whom such information pertains. A general authorization for the release of medical or other information is NOT sufficient for such purpose.

This authorization will expire upon the occurrence of the following event or condition: _____
_____.
If no event or condition is listed, it will expire in one (1) year . I understand that I have the right to revoke this Authorization at any time, and to do so, I must present a written revocation to the health care provider. I understand that the revocation will not apply to information that already has been released in response to or in reliance upon this Authorization. I understand that I should keep a copy of this Authorization form, after signing it.

Signature of Patient/Authorized Representative (include relationship):	Date:
Signature of Witness:	Date: