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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

*Angie Dainell*

REGULATIONS COMPILER

- 1 BOARDS AND COMMISSIONS
- 2 KENTUCKY BOARD OF OPHTHALMIC DISPENSERS
- 3 (Repealer)
- 4 201 KAR 13:071. Repeal of 201 KAR 13:070.
- 5 RELATES TO: KRS 326.020, 326.040 and 326:100
- 6 STATUTORY AUTHORITY: KRS 326.020(3)
- 7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3) authorizes the board to
- 8 promulgate administrative regulations to carry out the purposes and provisions of KRS Chapter
- 9 326. 201 KAR 13:070 appears to conflict with KRS 326.100 which requires a KRS Chapter 13B
- 10 hearing for license revocation, and KRS 326.080 which requires payment of the fee for license
- 11 renewal. Further, 201 KAR 13:040. Section 4.(5) establishes license expiration upon failure to
- 12 renew timely so 201 KAR 13:070 is unnecessary. This administrative regulation repeals 201
- 13 KAR 13:070.
- 14 Section 1. 201 KAR 13:070, License Revocation, is hereby repealed.

201 KAR 13:071

APPROVED BY AGENCY:

A handwritten signature in cursive script, appearing to read "Curt Duff", is written over a horizontal line.

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](https://ppc.ky.gov/reg_comment.aspx)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 13:070  
Contact Person: Sara Boswell Janes  
Phone Number: (502) 782-5245 (office)  
Email: sara.janes@ky.gov

Subject Headings: Ophthalmic Dispensing, Occupations and Professions, Licensing

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does: This administrative regulation repeals 201 KAR 13:070.
  - (b) The necessity of this administrative regulation: The existing administrative regulation appears to conflict with KRS 326.100 which requires a hearing for license revocation, and KRS 326.080 which requires payment of the fee for license renewal. Additionally, 201 KAR 13:040. Section 4.(5) establishes license expiration upon failure to timely renew so 201 KAR 13:070 is unnecessary
  - (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.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of this administrative regulation will eliminate the conflict with statutory authority.
- (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: No entities will be affected by this repealer since licenses expire for failure to timely renew with payment of the fee and there are no licenses revoked for this reason.
- (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: No entities will be affected by this repealer.
  - (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 to repeal this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): There is no financial benefit to repeal this administrative regulation; however, the entities will benefit from the repeal of conflicting regulatory procedures upon failure to pay the required renewal fees.

(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 repeal of this administrative regulation.
- (b) On a continuing basis: None.

(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. However, there is no funding used to implement and enforce the repeal of this administrative regulation.

(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: There is no anticipated increase in fees or funding necessary to repeal this administrative regulation.

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

(10) TIERING: Is tiering applied? (Explain why or why not): No tiering is applied because this amendment repeals an earlier regulation that equally applied to all regulated entities.

## FISCAL IMPACT STATEMENT

Regulation No. 201 KAR 13:070  
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, 326.040, 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 on 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.