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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 Darnell

REGULATIONS COMPILER

1 GENERAL GOVERNMENT CABINET

2 BOARD OF OPHTHALMIC DISPENSERS

3 (New Administrative Regulation)

4 201 KAR 13:075. Administrative hearings.

5 RELATES TO: KRS 326.100

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

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3)(a) requires the board to
8 promulgate administrative regulations necessary to carry out the purposes and provisions KRS
9 326.010 through 326.990. KRS 326.100 requires the board to conduct administrative hearings in
10 accordance with KRS Chapter 13B. This administrative regulation sets forth the procedures by
11 which such hearings are to be conducted.

12 Section 1. Right of Administrative Hearing to Appeal the Denial of License or Refusal to Renew
13 or Reinstate a License.

14 (1) If the board denies an application for licensure, or refuses to renew or reinstate a license
15 for failure to meet the regulatory requirements for renewal or reinstatement, the board shall issue
16 a notice of denial informing the applicant of the specific reason for the board's action, including:

17 (a) The statutory or regulatory authority the application fails to meet for issuance, renewal
18 or reinstatement of the license;

19 (b) The factual basis on which the denial is based; and

20 (c) The right to an appeal through an administrative hearing pursuant to KRS Chapter 13B.

1 (2) Requirements for Appeal. A written request for an administrative hearing shall be made
2 in writing to the board within twenty (20) calendar days after receipt of this notification, excluding
3 the day the applicant receives notice, or the date that the notification is returned to the board as
4 unclaimed. The request shall identify the specific issues in dispute and the legal basis on which
5 the board's decision on each issue is believed to be erroneous.

6 (3) If the request for an appeal is not timely filed, the notice of denial shall be effective
7 upon the expiration of the time for the applicant to request an appeal.

8 (4) If a request for an appeal is made, the board, through counsel, shall prepare the notice
9 of administrative hearing in accordance with KRS Chapter 13B.

10 (5) The administrative hearing shall be conducted in accordance with KRS Chapter 13B.

11 (6) The documentary evidence shall be limited to the application and supporting documents
12 submitted to the board during the application process and what was considered as part of the
13 application denial.

14 (7) A renewal applicant may petition the board, in writing, for a stay of the license denial
15 until completion of the administrative hearing process.

16 Section 2. Administrative Hearing For Denial, Refusal to Renew or Reinstate, Suspension,
17 Revocation, or Imposition of Probationary Conditions upon a License Due to Unprofessional
18 Conduct.

19 (1) All administrative hearings for the board's denial, refusal to renew or reinstate,
20 suspension, revocation, or imposition of probationary conditions upon a license shall be
21 conducted in accordance with KRS Chapter 13B.

1 (2) The board, through counsel, shall prepare the formal administrative complaint and notice
2 of administrative hearing in accordance with KRS Chapter 13B.

3 Section 3. Revocation of Probation.

4 (1) If the board moves to revoke probation, the board shall issue written notice of the
5 revocation to the last known address on file with the board for the licensee and inform the licensee:

6 (a) Of the factual basis on which the revocation is based;

7 (b) Of each probation term violated;

8 (c) Of the sanction to be imposed; and

9 (d) That the licensee may appeal the revocation to the board within twenty (20) calendar
10 days after receipt of this notification, excluding the day he or she receives notice, or the date that
11 the notification is returned to the board as unclaimed.

12 (2) A written request for an administrative hearing shall be filed with the board within
13 twenty (20) calendar days after receipt of this notification, excluding the day the licensee receives
14 notice, or the date that the notification is returned to the board as unclaimed. The request shall
15 identify the specific issues in dispute and the legal basis on which the board's decision on each
16 issue is believed to be erroneous.

17 (3) If the request for an administrative hearing is not timely filed, the revocation shall be
18 effective upon the expiration date for the licensee to request an appeal.

19 Section 4. A request for an administrative hearing shall be sent to the Kentucky Board of
20 Ophthalmic Dispensers by mail to P.O. Box 1360, Frankfort, Kentucky 40602, by hand-delivery
21 to 500 Mero Street, Frankfort, Kentucky 40601, or by email to bod@ky.gov.

1 Section 5. If the final order of the board is adverse to a licensee or applicant, or if the hearing is
2 scheduled at the request of a licensee or applicant for relief from sanctions previously imposed by
3 the board, the costs in an amount equal to the cost of stenographic services, the cost of the hearing
4 officer, and the board's attorney fees may be assessed against the licensee or applicant. In a case
5 of financial hardship, the board may waive all or part of the fee.

201 KAR 13:075

APPROVED BY AGENCY:



Curt Duff, Chair
Board of Licensure 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 13:075

Contact Person: Sara Boswell Janes, Staff Attorney III

Phone: 502-782-2709

Email: sara.janes@ky.gov

Subject Headings: Ophthalmic Dispensing, Occupations and Professions, Administrative Hearings

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the due process procedures for a denial of, refusal to renew, or reinstatement of a license and revocation of a probated sanction. It also sets out the scope of what a hearing officer may consider and imposes costs on an individual who fails to reverse the decision of the board on a denial of, refusal to renew, or reinstatement of a license or revocation of a probated sanction.

(b) The necessity of this administrative regulation: The necessity of this regulation is to establish due process procedures.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity with KRS 326.100 which requires the board to conduct a hearing under KRS Chapter 13B before suspending, revoking, imposing probationary or supervisory conditions upon, imposing an administrative fine, issuing a written reprimand, or taking any combination of these things; and, after denying an application if the applicant requests one.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in establishing and clarifying the procedure and requirements for the KRS Chapter 13B hearing.

(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 (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: A licensee will have to take no additional action to comply with the regulation.

(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 new cost associated to the amendments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Stakeholders will have a better understanding of the KRS Chapter 13B administrative hearing process.

(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: No increase in fees or funding will be required to implement the changes made by this regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: : This administrative regulation establishes no new fee.

(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

201 KAR 13:075

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 326.100

(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.