

State of Kansas

KANSAS STATE BOARD OF EXAMINERS IN OPTOMETRY

Notice of Hearing on Proposed Administrative Regulations

The Kansas State Board of Examiners in Optometry will conduct a public hearing on April 23, 2015 at 9:00 a.m., at the Hilton Garden Inn, Little Apple Boardroom, 410 South 3rd Street, Manhattan, Kansas, to consider adoption of proposed regulations K.A.R. 65-5-6, 65-5-10, and 65-5-11, and K.A.R. 65-5-13. These regulations are being proposed as permanent regulations. A summary of the proposed regulations and the estimated economic impact follows:

Summary of Regulations:

K.A.R. 65-5-6 Continuing education. K.A.R. 65-5-6 is an amended permanent regulation establishing the continuing education requirements for licensed optometrists.

K.A.R. 65-5-10. Glaucoma licenses. K.A.R. 65-5-11. Biennial renewal. K.A.R. 65-5-10 and 65-5-11 are being revoked.

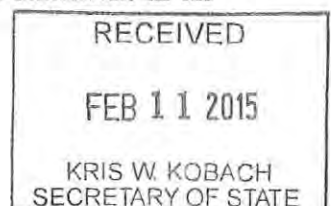
K.A.R. 65-5-13. Professional liability insurance. K.A.R. 65-5-13 is a new permanent regulation that requires each person licensed by the board to obtain and maintain professional liability insurance coverage of at least \$1,000,000 for each claim.

Economic Impact: The adoption of these regulations is not anticipated to have an economic impact on the Kansas State Board of Examiners in Optometry, any other government entity, the general public, or licensees. There is no environmental impact.

The time period between publication of this notice and the scheduled hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulations. At any time during the public comment period any interested parties may submit written comments to Jan Murray, Executive Officer, Kansas State Board of Examiners in Optometry, 3109 W 6th St., Suite B, Lawrence, Kansas 66049 or by email to jan.murray@kssbeo.ks.gov. Written comments will be accepted until 9 a.m. on the day of the hearing. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit any oral presentation to an appropriate time frame.

Complete copies of the proposed regulations may be obtained on the Kansas State Board of Examiners in Optometry website, <http://kssbeo.ks.gov/>, or by contacting Jan Murray, jan.murray@kssbeo.ks.gov.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an



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accessible format. Request for accommodation should be made at least five working days in advance of the hearing by contacting Jan Murray.

Jan Murray

Executive Officer of Kansas State Board of Examiners in Optometry

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KRIS W. KOBACH
SECRETARY OF STATE

65-5-6. Continuing education. (a) ~~Except for any licensee who graduated from an approved optometry school within 12 months before the date of the application for license renewal, Each~~ licensed optometrist shall earn annually 24 hours of documented and approved continuing education during each license renewal period.

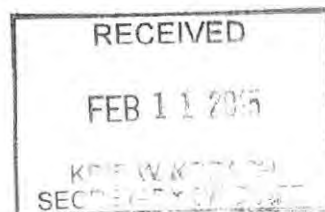
(b) ~~On and after June 1, 2003, No~~ more than eight hours of the 24 annually required hours of documented and approved continuing education may be obtained through courses that do not include a live presentation. No more than four of the 24 annually required hours of documented and approved continuing education may be obtained through observing ophthalmic surgery. No more than four of the 24 annually required hours of documented and approved continuing education may be in the subject area of practice management.

Courses including those presented through the internet, by correspondence, in magazines, journals or other publications, and by ~~VCR, tape, or CD presentation that is remote or recorded, or both,~~ shall be subject to the ~~limitation~~ limitations specified in this subsection.

(c) Each academic credit hour shall be equivalent to 15 hours of continuing education. Credit for auditing an academic course shall be given for actual hours attended during which instruction was given and shall not exceed the number of hours allowed for academic credit.

(d) The following educational programs may be used to meet the annual educational requirement:

- (1) Educational meetings of the American optometric association;
- (2) educational meetings of the Kansas optometric association;
- (3) scientific sections of the American academy of optometry;
- (4) postgraduate courses offered at any accredited school of optometry; and
- (5) other educational programs approved by the board.



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~~(c) On and after June 1, 1996, a licensee shall not use the same course to meet the requirements of K.S.A. 65-1505(d)(2) and amendments thereto, and the annual continuing education requirement.~~

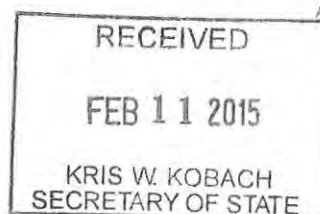
(f) Each provider seeking board approval for a continuing education offering shall submit a copy of the continuing education program, schedule, or outline to the secretary-treasurer at least 60 days before the date of the program.

~~(g)~~(f) Each licensee shall submit a certificate of attendance to the secretary-treasurer with or before the licensee's application for renewal. The certificate of attendance shall contain the following:

- (1) The name of the sponsoring organization;
- (2) the name, signature, and address of the licensee;
- (3) the number of hours attended;
- (4) the subject of the approved education program;
- (5) the date of the educational program; and
- (6) any other evidence of attendance required by the board.

~~(h)~~(g) The certificate of attendance shall be on a form approved by the board and shall be signed by the licensee and an appropriate representative of the sponsoring organization.

(Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. 2014 Supp. 65-1509a; effective May 18, 1992; amended March 7, 1997; amended June 9, 2000; amended Oct. 3, 2003; amended P-_____.)



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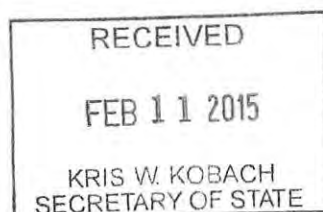
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65-5-10. (Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. 1998 Supp. 65-1501, K.S.A. 1998 Supp. 65-1501a, K.S.A. 1998 Supp. 65-1505, K.S.A. 1998 Supp. 65-4915(b), and K.S.A. 65-1525; effective Feb. 28, 1997; amended Nov. 29, 1999; revoked P-_____.)



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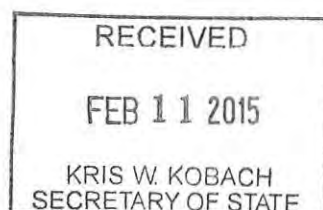
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65-5-11. (Authorized by and implementing K.S.A. 74-1504 and K.S.A. 2003 Supp. 65-1509; effective June 25, 2004; revoked P-_____.)



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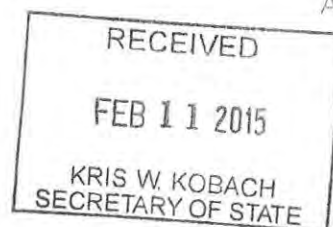
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65-5-13. Professional liability insurance. Each person licensed by the board shall, before rendering professional services within the state, obtain and maintain professional liability insurance coverage of at least \$1,000,000 for each claim. (Authorized by K.S.A. 74-1504; implementing K.S.A. 2014 Supp. 65-1505; effective P-_____.)



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**KANSAS STATE BOARD OF EXAMINERS IN OPTOMETRY
ECONOMIC IMPACT STATEMENT
K.A.R. 65-5-6**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 65-5-6 is an amended permanent regulation establishing the continuing education requirements for licensed optometrists.

II. Reason or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.

This amendment to the permanent regulation is necessary to clarify and update the requirements regarding continuing education for licensed optometrists. This regulation is not mandated by federal law.

III. Anticipated Economic Impact upon the Kansas Board of Pharmacy.

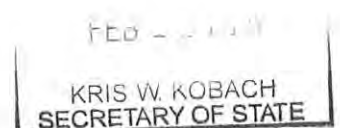
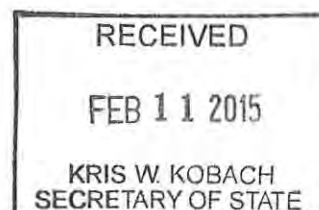
The Board does not anticipate any economic impact.

IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.

The Board does not anticipate a financial impact on other governmental agencies, private businesses, or the general public.

V. Anticipated Financial Impact upon Licensees.

The Board does not anticipate a financial impact on licensees.



**KANSAS STATE BOARD OF EXAMINERS IN OPTOMETRY
ECONOMIC IMPACT STATEMENT
K.A.R. 65-5-10 and K.A.R. 65-5-11**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 65-5-10 is a permanent regulation which sets forth the requirements regarding glaucoma licenses in the State of Kansas. K.A.R. 65-5-11 is a permanent regulation which sets forth the biennial renewal timeframes and fees.

II. Reason or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.

As a result of legislative changes enacted in 2012, these regulations are no longer relevant or necessary to protect the public health, safety, and welfare. Revocation of these regulations is not mandated by federal law.

III. Anticipated Economic Impact upon the Kansas Board of Pharmacy.

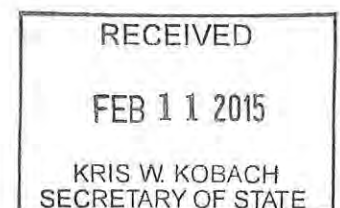
The Board does not anticipate any economic impact.

IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.

The Board does not anticipate a financial impact on other governmental agencies, private businesses, or the general public

V. Anticipated Financial Impact upon Licensees.

The Board does not anticipate a financial impact on licensees.



**KANSAS STATE BOARD OF EXAMINERS IN OPTOMETRY
ECONOMIC IMPACT STATEMENT
K.A.R. 65-5-13**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 65-5-13 is a new permanent regulation that requires each person licensed by the board to obtain and maintain professional liability insurance coverage of at least \$1,000,000 for each claim.

II. Reason or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.

This permanent regulation is necessary to protect the public health, safety, and welfare. This regulation is not mandated by federal law.

III. Anticipated Economic Impact upon the Kansas Board of Pharmacy.

The Board does not anticipate any economic impact.

IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.

The Board does not anticipate a financial impact on other governmental agencies, private businesses, or the general public.

V. Anticipated Financial Impact upon Licensees.

The Board does not anticipate a financial impact on licensees.

