

IN RE:

201 KAR 5:021E

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PUBLIC HEARING

DATE TAKEN: March 25, 2026

TIME: 1:00 p.m.

PLACE: Holiday Inn Express

1000 Vandalay Drive

Frankfort, Kentucky 40601

BEFORE: KENTUCKY BOARD OF OPTOMETRIC EXAMINERS

Reported By: Angela Edwards

AN/DOR REPORTING & VIDEO TECHNOLOGIES, INC.

151 N EAGLE CREEK

LEXINGTON, KENTUCKY 40509

setdepovideo@andorreporting.com

859 254 0568

APPEARANCES

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Dr. Daniel Taylor, Secretary-Treasurer of NBEO  
Dr. Jill Bryant, NBEO  
Dr. Mary Beth Morris, President of KBOE

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1 (On the record at 1:00 p.m.)

2 DR. MORRIS: Okay. So good afternoon. We'll  
3 begin in just a minute. So this is a public hearing by  
4 the Kentucky Board of Optometric Examiners pursuant to  
5 KRS 13270 on Wednesday, March 25th, 2026. The time is  
6 1:00.

7 The purpose of the public hearing is to  
8 receive public comments on regulation 201 KAR 5:021E.

9 My name is Dr. Mary Beth Morris, and I serve  
10 as the president of the Kentucky Board of Optometric  
11 Examiners. Thank you all for being here today.

12 Pursuant to KRS 13270 and 13280, a statement  
13 of consideration will be drafted by the Kentucky Board  
14 of Optometric Examiners' staff in a response to the  
15 written comments heard today -- in response to the  
16 comments heard today and the written comments received  
17 during the comments period.

18 Written comments shall be accepted through  
19 March 31st, 2026. KBOE will respond to all comments  
20 received through its statement of consideration. After  
21 review of the comments received, KBOE will determine  
22 whether it will amend this regulation or decline to make  
23 any suggested amendments.

24 The statement of consideration will be filed  
25 with the Legislative Research Commission administrative

1 regulation compiler. The final statement of  
2 consideration will be posted on KBOE's website. The  
3 purpose of this hearing is for the agency to hear and  
4 record your comments. KBOE will not respond to your  
5 comments today, but will respond to all comments through  
6 the statement of consideration.

7           There are two registered speakers today. If  
8 you have not registered but wished to speak today,  
9 please alert Christi LeMay and the sign-in sheet that  
10 was provided. KBOE will first allow the registered  
11 speakers to provide comments and then move on to anyone  
12 who has notified us that you would like to speak by  
13 signing your name and organization on the sign-in sheet.

14           KRS 13A.270 guarantees each person who wishes  
15 to make a comment a fair and reasonable opportunity to  
16 do so. We plan to limit each person to five minutes  
17 each to fully raise your comments to the agency. After  
18 speaking, you will -- you can still file written  
19 comments until March 31st, 2026. At the conclusion of  
20 the registered speakers, any additional time will be  
21 allotted for additional comments. These proceedings are  
22 being recorded and a transcript will be available for  
23 those requesting it and who pay for it pursuant to KRS  
24 13A.270. When I call your name, please state your name  
25 and group or entity.

1           The first speaker that is registered to speak  
2           is Dr. Daniel Taylor from the National Board of  
3           Examiners in Optometry.

4           DR. TAYLOR: Thank you, Madam Chair.

5           Good afternoon. Daniel Taylor. In my day job  
6           I'm the dean of the Michigan College of Optometry at  
7           Ferris State University. My background is receiving a  
8           Doctor of Optometry from the Southern College of  
9           Optometry. I've also received a Doctor of Education in  
10          Instructional Design and Technology from the University  
11          of Memphis and a Master of Science in Biomedical Science  
12          with a concentration in cancer and cell development  
13          biology from the University of Tennessee.

14          But today I'm speaking as secretary-treasurer  
15          of the National Board of Examiners in Optometry Board of  
16          Directors, as well as an optometrist who, like many  
17          others across our country, is proud to practice at the  
18          fullest scope of my competence. My experiences in  
19          optometric education and as a volunteer on the NBEO  
20          board grant me unique insights into the intricacies of  
21          high stakes licensure examinations, and their practical  
22          applications to the optometric profession.

23          I commend the KBOE for reversing its decision  
24          to accept the OEBC exam in lieu of NBEO Part 1 beginning  
25          in 2027. As the NBEO has shared in previous testimony,

1 that exam is not equivalent to NBEO Part 1, which was  
2 created and psychometrically validated to reflect the  
3 unique practice of American optometrists. Despite this,  
4 the KBOE has failed to take the most important step  
5 necessary to protect the public and to regain the public  
6 trust, namely to revoke all improperly provided  
7 optometric licenses, excuse me, until their holders have  
8 met all licensure requirements established by law. The  
9 attorney general's statement made clear that licenses  
10 granted through waivers, quote, "were and are invalid as  
11 a matter of law," unquote.

12 Right now, there are practicing optometrists  
13 in Kentucky who have not passed the licensure  
14 examinations required by state law. The KBOE should  
15 require them to refrain from independent practice unless  
16 and until they pass the licensing examinations that are  
17 required by law of every other applicant. The KBOE has  
18 not made public who these optometrists are.

19 Despite the obvious risks to public safety and  
20 the attorney general's statement, the KBOE has not taken  
21 the straightforward and obvious path to ensure public  
22 safety, requiring that all Kentucky optometrists pass  
23 all parts of the NBEO licensure examination series in  
24 order to engage in independent practice. National  
25 standards exist so the patients can have confidence that

1 any optometrist who treats them has met consistent  
2 standards of competency. And nearly every other state  
3 in the country follows this standard. This morning, we  
4 learned that New Hampshire has just revoked licensure  
5 reciprocity for Kentucky optometrists. ARBO recently  
6 sent a letter to this board reiterating that, quote,  
7 "public protection is best served when regulatory  
8 requirements are uniform and validated," unquote.

9 The KBOE's recent decision to have all  
10 candidates meet the NBEO examination standard required  
11 by state law in 2027 demonstrates your agreement with  
12 the reasoning behind ARBO's statement. As mentioned  
13 previously, I applaud you for the decision to revoke  
14 acceptance of the OEBC examination beginning in 2027.  
15 However, I echo the comments from ARBO and the state of  
16 Nevada, and urge the KBOE to prioritize patient  
17 protection rather than creating a specialized  
18 substandard licensure process for a small cohort of  
19 optometrists.

20 I urge the KBOE to withdraw its emergency  
21 regulation and instead hold all optometrists to the same  
22 nationally accepted and locally appropriate competency  
23 standards. Continuing on the current path puts patient  
24 safety at risk and casts unfair doubt on every other  
25 appropriately licensed Kentucky optometrist.

1           Thank you for the opportunity to be here today  
2           and to work cooperatively to protect the people of  
3           Kentucky.

4           DR. MORRIS: Thank you for your comments.

5           Our next registered speaker for five minutes  
6           is Dr. Jill Bryant from the National Board of Examiners  
7           in Optometry.

8           If you will, please state your name and group.

9           DR. BRYANT: Dr. Jill Bryant from the National  
10          Board of Examiners in Optometry. Kentucky Board of  
11          Optometric Examiners and Executive Director LeMay, thank  
12          you for the opportunity to speak to you today regarding  
13          the emergency regulation 201 KAR 5:021E.

14          As stated, I'm Dr. Jill Bryant, and I serve as  
15          the executive director of the National Board of  
16          Examiners in Optometry. I have worked with the  
17          organization for 11 years and have become intrinsically  
18          aware of the complexities involved in high stakes  
19          licensure testing. I am an optometrist, and prior to  
20          joining NBEO, I spent ten years in clinical practice as  
21          a faculty member of the ophthalmology department at Duke  
22          University Eye Center. I also obtained a master's  
23          degree in public health and three fellowships, including  
24          the American Academy of Optometry, the Scleral Lens  
25          Society, and the American Society of Optometric

1 Surgeons.

2 More recently, the North Carolina governor  
3 appointed me to the North Carolina Commission for Public  
4 Health. I have dedicated my career to patients, to  
5 public health initiatives, and to patient protection  
6 through proper competency assessment. I can tell you  
7 that everyone at NBEO lives and breathes by our mission  
8 of protecting the public through competence assessment.  
9 We take our commitment to this very seriously, and that  
10 is why Dr. Taylor and I are here today because licensing  
11 laws require passing NBEO exams. They are considered  
12 high stakes exams. It is also a high stakes matter for  
13 the public and for the profession to assess whether  
14 individuals seeking to enter the independent practice of  
15 optometry have demonstrated baseline competence in the  
16 fundamentals of biomedical science and clinical thinking  
17 and decision making with respect to diagnosis and  
18 treatment, and in the practical, clinical, and  
19 performance skills needed to safely treat patients.  
20 Optometry candidates who cannot demonstrate these  
21 competencies put patients at risk of serious and  
22 potentially permanent harm if they do not properly  
23 detect and manage life-threatening or vision-threatening  
24 conditions.

25 For decades, NBEO has successfully worked with

1 the Kentucky Board of Optometric Examiners to ensure  
2 Kentucky patients receive safe, high-quality care from  
3 qualified, competent optometrists. Unfortunately, the  
4 relationship between the KBOE and the NBEO has fractured  
5 in recent years. There is no better example of this  
6 disconnect than the fact that the KBOE never even  
7 attempted to engage us when they began exploring  
8 alternative licensure standards, and that the KBOE has  
9 repeatedly declined invitations to learn more about the  
10 NBEO exams. We are here today to speak to this board,  
11 to every optometrist in Kentucky, and to Kentucky  
12 residents in need of optometric care, because we believe  
13 the KBOE is falling short of its obligation to protect  
14 Kentucky's optometric patients. Despite assertions to  
15 the contrary, NBEO is here for one reason, because when  
16 we see licensure practices that threaten public health,  
17 we owe it to patients and the optometric profession to  
18 speak up.

19           Simply put, the Kentucky Optometry Board has  
20 lost its way, putting patient safety at risk and placing  
21 a lower priority on public health than on upholding  
22 competency standards. We are not alone in this belief.  
23 Attorney General Coleman's recent opinion echoed those  
24 concerns. The Association of Regulatory Boards of  
25 Optometry, or ARBO, has formally voiced their concerns.

1 The state of Nevada has gone so far as to rescind  
2 automatic licensure reciprocity for Kentucky  
3 optometrists. The New Hampshire Optometry Board has  
4 requested that Kentucky be removed from their list of  
5 reciprocal states due to their acceptance of  
6 alternatives to NBEO for licensing. And this is just  
7 the beginning.

8           It is very concerning and confusing that with  
9 the introduction of this emergency regulation, the KBOE  
10 has chosen to once again introduce another non-  
11 equivalent testing alternative for a small subset of  
12 optometrists. The creation of a special qualification  
13 pathway for a small group of optometrists is both  
14 unnecessary and misguided. It will fail to maximize  
15 public safety because the American Board of Optometry  
16 Exam is not intended for licensure and has never been  
17 validated for that purpose. Please ask yourself truly,  
18 is the public comfortable with the KBOE replacing the  
19 only simulated live patient encounter and clinical  
20 skills licensure exam with a multiple choice exam that  
21 was not designed to measure competency for licensure?  
22 It is incomprehensible that you believe this provides a  
23 similar assessment of optometric confidence. The two  
24 are simply not comparable. I'm almost finished if you  
25 could give me just a little bit longer.

1           Moreover, this will cast an irreversible  
2 shadow of doubt over every practicing optometrist  
3 because patients have no way of knowing which  
4 optometrist or how many utilized with the loophole to  
5 gain licensure without meeting Kentucky's long-  
6 established standards. Nevada's revocation of automatic  
7 licensure reciprocity reinforces this decision. Despite  
8 these concerns, NBEO is committed to working with the  
9 KBOE to help the board regain the public trust and to  
10 once again work together to serve the people of  
11 Kentucky. My sincere hope is that we can begin to heal  
12 the fracture and once again work together productively  
13 to ensure Kentucky patients can trust that every  
14 licensed optometrist is qualified to deliver optometric  
15 care.

16           To that end, we would like to, once again, for  
17 at least the 12th time in recent months, extend an  
18 invitation for you to visit the NBEO, the National  
19 Center of Clinical Testing, to meet our professional  
20 staff that includes six optometrists, a Ph.D.  
21 psychometrician, and many others regarding the exam  
22 development process. Over 200 optometrist subject  
23 matter experts, including those in Kentucky, work with  
24 us in this development process. We'd like to discuss  
25 the great lengths that we go to to ensure our exams are

1 aligned with Kentucky's scope of practice.

2 Thank you for the opportunity to provide these  
3 comments to you today.

4 DR. MORRIS: Thank you.

5 Thank you for your comments. That concludes  
6 all of the registered speakers that we have today. I'll  
7 move on to the sign-in sheet to see if anyone has  
8 alerted us with any or -- it looks like no one else has  
9 said that they would like to speak.

10 Is there anyone else that would like to speak?  
11 Hearing none.

12 On behalf of the Kentucky Board of Optometric  
13 Examiners and staff, I want to thank all of you for  
14 taking the time to participate in the hearing and public  
15 comment process. Your public comment is an essential  
16 part of the regulatory process and ensures that KBOE has  
17 access to important information that it will consider  
18 when deciding whether to alter or amend the regulation  
19 in question.

20 I'm going to end and close the meeting now.  
21 Again, all comments received, whether during this  
22 hearing or by written comment, will be addressed through  
23 a statement of consideration that will be posted on the  
24 KBOE's website. Thank you all. Have a great day.

25 (Hearing concluded at 1:14 p.m.)

REPORTER'S CERTIFICATE

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STATE OF KENTUCKY  
COUNTY OF FRANKLIN

I, ANGELA EDWARDS, do hereby certify that I was authorized to and did record the foregoing proceeding at the time and place stated in the caption, then it was later reduced to computer transcription under my direction and supervision and that the foregoing is a true and accurate transcript of the proceeding.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3rd of April, 2026.

/s/ Angela L. Edwards  
ANGELA EDWARDS  
NOTARY PUBLIC STATE-AT-LARGE  
KYNP #24829  
My Commission Expires: April 16, 2029