
NBEO Calls for Kentucky to Fully Close Licensure Loopholes and Require All Optometrists to Demonstrate Competence

Charlotte, N.C., July 16, 2026 - The National Board of Examiners in Optometry® (NBEO®), guided by our mission to protect the public through competence assessment, is urging the Kentucky Board of Optometric Examiners (KBOE) to fully close dangerous licensure loopholes and apply one clear, consistent competency standard to every Kentucky optometrist. While NBEO commends the KBOE's agreement to adopt a legislative committee amendment to 201 KAR 5:021E, this regulatory change only partially addresses a longstanding problem: some optometrists were licensed, and still practice independently, without ever demonstrating the knowledge and skills required for entry into the profession through NBEO's nationally recognized three-part licensure exam series.

NBEO has identified [30 individuals](#)¹ who were invalidly granted licenses under a special waiver, despite not having passed one or more parts of the NBEO exam series. The KBOE later offered this cohort of individuals "alternative exam" pathways, allowing them to remain licensed while bypassing one or more parts of the NBEO exam series. Of these at least 30 optometrists, 12 attempted and failed one or more parts of the NBEO exam after licensure, some even after years of engaging in practice as an O.D., strongly indicating that they may not be competent to safely practice independent optometry. At least three of these optometrists have already been implicated in allegations of substandard care and patient harm in public testimonies and ongoing litigation. NBEO urges the KBOE to take action to hold these individuals to the same competency assessment standards as it now requires for other Kentucky optometrists. The KBOE has full legal authority to strengthen its license renewal requirements through regulations, because that is not revoking any license that has previously been issued. According to July 16, 2026 testimony by the president of the KBOE, it appears that at least 15 licensed optometrists will not be required by the KBOE's amended regulation to provide proof of passage of the full NBEO exam series; rather, the KBOE plans to accept alternative exams under prior loopholes for the purpose of future license renewal.

¹ On July 16, 2026 before a legislative committee, the president of the KBOE stated that there were possibly 34 waivers issued. NBEO did not learn of the waivers until years after the first waivers were issued; evidently some waived-in individuals either passed the full NBEO exam series during that period or allowed their Kentucky licenses to expire before this came to NBEO's attention.

NBEO also urges the KBOE to embrace full transparency. In a recent Open Records Decision (26-ORD-172), the Kentucky Attorney General confirmed that agency records on whether individual licensees have passed or failed NBEO exam parts are public under the Kentucky Open Records Act.² NBEO encourages the KBOE to update its newly available searchable online directory of Doctor of Optometry licensees. Because, unlike in other states, a Kentucky license is not evidence that the licensee has passed the NBEO initial licensure exams, the directory should clearly indicate whether each licensed optometrist in Kentucky has passed all three parts of the NBEO licensure exam series, instead of requiring patients to file individual Open Records Act requests.

In addition, NBEO is calling for stronger safeguards around laser and surgical procedures. Kentucky's Patient Safety in Expanded Therapeutic Procedures Workgroup meetings have repeatedly focused on educational preparation and supervised practice, but they have not identified an objective, standardized way for optometrists to prove competency to perform and manage laser and surgical procedures. This is exactly why NBEO created the Laser and Surgical Procedures Examination® (LSPE®).

LSPE is a psychometrically validated examination designed to ensure that optometrists can safely perform these procedures and that they understand injections, anesthesia, contraindications, and management of complications. Candidates must pass both the clinical skills and multiple-choice components to demonstrate necessary psychomotor performance and clinical knowledge, in a context where errors can permanently damage or even blind a patient. This level of scrutiny is essential. In fact, the allegations in the lawsuit against an improperly licensed optometrist illustrate the kinds of risks involved. The alleged error that the plaintiff states permanently blinded him in one eye would have resulted in a failure had it occurred on the LSPE examination. Therefore, NBEO strongly urges the KBOE to make passage of LSPE a prerequisite for authorization to perform optometric laser and surgical procedures for both new licensees and currently practicing optometrists. Education and supervised practice are important, but without requiring passage of LSPE, the KBOE lacks a consistent, objective, and defensible way to ensure that every optometrist performing these advanced procedures has proven they are competent to do so safely.

² See <https://www.ag.ky.gov/Resources/orom/2026/26-ORD-172.pdf>.

Kentucky patients deserve the assurance that every optometrist treating them has met the same rigorous, nationally recognized standards of competence. Patient protection should be the KBOE's top priority, and NBEO strongly urges the KBOE to hold all Kentucky optometrists to a consistent standard of demonstrating their competence to safely engage in the independent practice of optometry.

In conclusion, NBEO is calling on the KBOE to:

- Require proof of passage of the entire NBEO licensure exam series as a condition of license renewal for all Kentucky licensed optometrists, so that all currently licensed optometrists, including those licensed under prior loopholes or use of alternative exams, are held to the same standards of competency.
- Require passage of the three-part NBEO exam series for licensure by endorsement, especially now that at least one other state has conceded that it previously waived national testing requirements.³
- Require passage of LSPE for all optometrists performing laser and surgical procedures.

These steps will help protect patients, uphold the integrity of the profession, and align Kentucky with best practices across the country. NBEO urges the KBOE to act swiftly and decisively so that a Kentucky optometry license once again clearly shows proven clinical competence.

³ See <https://oklahomavoice.com/2026/06/22/waived-exam-requirements-for-oklahoma-optometrists-cause-grave-concern-to-national-testing-group/>.

