

May 19, 2025

Dr. Joe Ellis, Chair
Christi LeMay, Executive Director
Kentucky Board of Optometric Examiners
100 Consumer Lane
Frankfort, KY 40601

Dear Members of the Kentucky Board of Optometric Examiners,

On behalf of the Executive Board of the Federation of Associations of Regulatory Boards (FARB), we submit this letter regarding the proposed amendment to 201 KAR 5:010, which would allow the written portion of the Canadian Optometry Examining Board of Canada (OEBC) examination to substitute for the National Board of Examiners in Optometry (NBEO) Part I examination currently required for licensure in Kentucky.

FARB is a national federation representing regulatory boards and agencies across numerous licensed professions. Our mission is to promote public protection and regulatory excellence by providing education, best practices, and leadership on licensure and credentialing matters.

We respectfully express our concern over the proposed regulatory amendment for the following reasons:

1. National Standards Safeguard Public Protection. Nationally recognized, psychometrically validated examinations like the NBEO ensure that all U.S. licensees meet minimum qualifications aligned with U.S. scope of practice, legal frameworks, and public health needs. These exams are regularly updated through rigorous industry-standard methods, including job task analyses, statistical validation, and input from U.S. practitioners, educators, and regulators. Allowing an alternative exam not developed or validated for the U.S. context risks introducing critical gaps in assessing essential competencies, particularly foundational basic sciences crucial for safe optometric care.

2. Lack of Equivalency or Validation Studies. While the OEBC written examination may be a valid tool for Canadian licensure, no formal equivalency study has been conducted to demonstrate its alignment with U.S. optometric practice, law, or public safety expectations. Without this validation, there is no evidence the OEBC exam covers essential knowledge areas measured by NBEO Part I, undermining the board's ability to legally and defensibly ensure candidates meet minimum competence.

3. Legal and Oversight Risks. Licensing boards have a legal responsibility to rely on assessments that meet psychometric and legal defensibility standards. The NBEO, through its established processes and oversight committees, provides transparency, accountability, and defense-ready evidence to regulatory boards. The OEBC, as a foreign examination, lacks U.S.-based oversight mechanisms, meaning the Kentucky board could face heightened legal exposure if challenged on licensure decisions or if public harm occurs.

4. Alignment with Education. U.S. optometric education programs are designed to prepare students for licensure under the NBEO examination system. Introducing an alternative, non-U.S.-validated exam disrupts the alignment between education and licensure, potentially confusing candidates, creating mismatches between training and assessment, and compromising graduate preparedness. This disconnect threatens the integrity of the entire licensure pipeline, from education to safe entry into practice.

5. Threats to National Portability and Licensee Mobility. Adopting an alternative exam not recognized by other U.S. states isolates Kentucky licensees, effectively confining their licensure and practice to Kentucky alone. This creates unnecessary barriers to professional mobility, fragments national licensure standards, and undermines uniformity—an outcome FARB members actively work across professions to prevent.

6. Risks of Perceived Standard-Lowering. We note the Regulatory Impact Statement's reference to candidates struggling to pass NBEO Part I. However, the purpose of competence exams is precisely to set and uphold the minimum threshold for safe, qualified entry to practice. Bypassing or replacing such exams without robust evidence risks lowering standards and eroding public trust.

FARB's Position

As a cross-professional organization dedicated to advancing regulatory best practices, FARB strongly recommends that any consideration of alternative or international examinations be accompanied by a formal validation process, robust comparability studies, and assurance that public health, safety, and welfare remain fully protected. We caution against regulatory changes that fragment licensure systems, reduce legal defensibility, or introduce unsupported pathways by clear, evidence-based analysis.

We commend the Kentucky Board of Optometric Examiners for its commitment to ensuring qualified practitioners serve the public and stand ready to provide guidance, resources, or further discussion on this important issue.

Thank you for your thoughtful consideration.

Sincerely,



Michael Armstrong
President, Executive Board
Federation of Associations of Regulatory Boards (FARB)

cc:

Lisa Fennell, Executive Director/CEO, Association of Regulatory Boards of Optometry (ARBO)
Jill Bryant, Executive Director, National Board of Examiners in Optometry (NBEO)



National Association of VA Optometrists ♦ NAVAO

PO Box 752881

Las Vegas, NV 89136

www.navao.org ♦ info@navao.org

12 May, 2025

Re: regulatory amendment to 201 KAR 005:010

Executive Committee

Molly McGinty-Tauren, O.D.
President

Jarett Mazzarella, O.D.
Vice-President

Megan Tomsik, O.D.
Secretary

Andrew Crist, O.D.
Treasurer

Kevin Mercado, O.D.
Immediate Past President

Board Members

Katherine Wang, O.D.

Tran Nguyen O.D.

Jennifer Tong, O.D.

Alicia Kelly, O.D.

Robert Binkley, O.D.

Lisa Beard, O.D.

Nancy Shenouda-Awad, O.D.

To the Members of the Legislative Review Committee,

The National Association of VA Optometrists (NAVAO) respectfully submits this letter to express our concerns regarding the recent proposal by the Kentucky State Board of Optometry to allow the written portion of the Optometry Examining Board of Canada (OEBC) examination as a substitute for Part I of the National Board of Examiners in Optometry (NBEO) examination.

While we commend the Kentucky Board for its longstanding leadership in protecting patient access to high-quality eye care—indeed, Kentucky maintains one of the most progressive scopes of optometric practice in the United States—we find it alarming that such an advanced patient care environment would now be associated with a significant deviation from national licensure standards.

According to the current Veterans Health Administration (VHA) Optometrist Qualification Standard [VA Handbook, Part II, Appendix G5, effective April 15, 2002], candidates must hold a valid license to practice optometry in a U.S. state, territory, commonwealth, or the District of Columbia. Moreover, to be promoted to the Intermediate grade level, an optometrist must have successfully completed all parts of the NBEO examination. Kentucky becoming an outlier in no longer requiring NBEO Part I poses both administrative complications for initial federal appointment and significant barriers to professional advancement within the VA system.

Further, we are deeply concerned about the potential long-term consequences to the credibility and portability of the Kentucky optometry license. No other U.S. state currently accepts a foreign licensure examination as a substitute for the NBEO. This is unprecedented not only in optometry but also across other doctoral-level health professions.

The NBEO examination, particularly Part I, assesses the foundational scientific knowledge required for safe and competent clinical practice. To our knowledge, there has been no rigorous, peer-reviewed study comparing the OEBC and NBEO examinations for equivalency. Compounding this concern is the fact that Canada does not accept the NBEO for licensure, raising further questions about reciprocity and standards alignment.

In light of these issues, we respectfully urge the Committee to investigate the rationale behind this decision and to consider placing a hold on its implementation. We strongly recommend that no changes be finalized until a formal, independent study of examination equivalency is conducted and until public safety implications are fully addressed.

We appreciate your attention to this matter and welcome the opportunity to contribute further to this important discussion.

Respectfully,

A handwritten signature in black ink, appearing to read 'Molly McGinty-Tauren, O.D.', written on a light-colored background.

Molly McGinty-Tauren, O.D., FAAO
President
National Association of VA Optometrists





Association of Regulatory Boards of Optometry, Inc.

Association of Regulatory Boards of Optometry

3440 Toringdon Way
Suite 205 PMB #20533
Charlotte, NC 28277

Tel: (704) 970-2710
Fax: (888) 703-4848
Email: arbo@arbo.org

To: Members of the Interim Joint Committee on Health Services
From: Association of Regulatory Boards of Optometry
Date: May 13, 2025
Re: Concerns Regarding Proposed Amendment to 201 KAR 5:010

The Association of Regulatory Boards of Optometry is a 501(c)(3) not-for-profit organization whose membership is comprised of regulatory boards of optometry in the US, Canada, Australia and New Zealand. We would like to express our significant concerns regarding the proposed amendment to 201 KAR 5:010. We ask you to bring this matter before the full Interim Joint Committee on Health Services for an in-depth discussion and that you vote against this amendment. The amendment will allow the Optometry Examining Board of Canada (OEBC) written examination to be accepted for optometric licensure in Kentucky as an alternative to the nationally recognized National Board of Examiners in Optometry (NBE0) Part 1 Applied Basic Sciences Exam. We believe this would be detrimental to the health and safety of Kentucky citizens, increasing the risk of inappropriate optometric care.

We ask you to consider the following points:

The Exams are NOT Equivalent: NBE0's Part I Exam tests the basic biomedical science concepts necessary for practicing optometry. In contrast, the OEBC Written Exam evaluates how optometrists respond to clinical situations in case-based scenarios. Knowledge of biomedical sciences is crucial for providers of optometric care to ensure public safety. In addition, the NBE0 Exam is developed based on the scope of optometric practice in the US to ensure validity and relevance to US licensing boards. The OEBC written exam is designed by Canadian optometrists based on the scope of practice in Canada. It is important to note that Kentucky licensed optometrists can utilize lasers and perform minor surgical procedures that are not allowed in any Canadian province. Therefore, an exam developed based on the Canadian health care system is not a valid tool to assess the competence of optometrists who will practice in Kentucky.

Lowering Standards: In its Regulatory Impact Analysis for the proposed changes, the Kentucky Board of Optometric Examiners (KBOE) stated the reason for the amendment was because "...many individuals in Kentucky have failed the NBE0 Part I Exam multiple times." The KBOE also suggests that the change will "add an additional path to Kentucky licensure" and "will help access to health care." The goal of improving healthcare access should not come at the expense of safety. The primary responsibility of licensing boards must be to protect the public by ensuring that all licensed optometrists meet the same standard of competency. Lowering this standard to create an easier route to licensure could result in compromised care, particularly in underserved areas.

Public Safety Concerns: Licensing boards prioritize public safety, and the quality of care provided to patients. If an exam is allowed which has not been proven to be equivalent to the long-standing nationally recognized exam, there are concerns about whether it adequately evaluates an optometrist's competency. Kentucky has been commended for expanding the scope of optometric care to enhance access for patients. However, this amendment introduces an unacceptable level of risk to the public. Kentucky will be taking a step backwards by lowering licensure standards and potentially jeopardizing the quality of healthcare to increase access.

Kentucky Will be an Outlier: No other US state or territory accepts the OEBC Exam for licensure. Kentucky would be the only state to do so which would undermine the mobility and portability of Kentucky licensed optometrists. If the amendment is approved, a barrier will be created for Kentucky optometrists isolating them because the requirements in Kentucky will differ significantly from those of other US optometry boards.

We respectfully request that you bring this issue to a full committee hearing, carefully weigh the testimony presented, and critically assess whether this proposed change truly serves the best interests of patients in Kentucky. We urge you to vote **NO** on this amendment.

Sincerely,



Lisa Fennell, ARBO Executive Director/CEO

On behalf of the ARBO Board of Directors:

Jeffery Yunker, OD, President
Terri Haley, OD, Vice President
Margaret Whelan, MPA, Secretary-Treasurer
Eric Bailey, OD, Director
James Campbell, OD, Director
Luanne Chubb, OD, Director
Glenn Kawaguchi, OD, Director
Gerard Lozada, OD, Director
Patrick O'Neill, OD, Director
Linda Tharp, OD, Director



April 7, 2025

Members of the Kentucky Administrative Regulation Review Subcommittee,

The agenda for your Tuesday, April 8th meeting lists 201 KAR 005:010 as an agenda item. If passed, 201 KAR 005:010 would allow optometry candidates to take the Canadian exam (Optometry Examining Board of Canada (OEBC)) instead of Part I Applied Basic Science (ABS[®]) of the American board (The National Board of Examiners in Optometry (NBE[®])) for optometric licensure in Kentucky.

These two examinations are NOT equivalent. Part I ABS of the National Board of Examiners in Optometry tests candidate knowledge regarding the underlying biomedical science principles necessary for the safe and effective, independent practice of optometry. **The Canadian exam does not test biomedical science and was designed based on the scope of practice in Canada.** Kentucky optometrists are able to perform lasers and minor surgical procedures that are not allowed in any Canadian province. Understanding the basics of anatomy, physiology, pharmacology, etc. is foundational to practicing ocular health in the United States. These sciences are prerequisites for comprehension of eye structure and function, and they also form the base of knowledge for laser and minor surgical procedures.

We note that the Kentucky Board of Examiners in Optometry wrote the following statement to you in their Statement of Consideration Relating to 201 KAR 5:010, “the Accreditation Council on Optometric Education—which is the accrediting body for all optometry schools operating in the United States—has expressly recognized the OEBC exam as an NBEO equivalent.” However, in an email dated April 4, 2025, Stephanie Puljak, Director of the Accreditation Council on Optometric Education, stated, “The ACOE has not independently evaluated the adequacy of either the NBEO or the OEBC examination series as measurement tools nor has it evaluated their equivalence as such.”

Additionally, the Kentucky Board of Examiners in Optometry states that “the KBOE is unaware of any statistical data that would suggest adverse patient outcomes are more likely to occur when care is being provided by an optometrist licensed through passage of the OEBC exam.” Please note that there has been no formal study to compare the examinations or patient outcomes. **In fact, no U.S. state currently allows use of the Canadian examination for licensure purposes.** This is simply data that does not currently exist.

For more information, please review the attached letter that NBEO provided Senator Stephen West, Representative Derek Lewis, Emily Caudill, Ange Darnell and Christi LeMay on November 27, 2024. I would be more than happy to speak with you to discuss any questions or concerns you may have.

Thank you,

Jill Bryant, OD, MPH, FAAO, FSLs, FASOS
Executive Director