

Improperly licensed KY optometrists can keep practicing until next year under new regs

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Kentucky Lantern

The board that regulates optometrists in Kentucky has filed emergency regulations to address exemptions from licensure requirements it improperly granted some optometry graduates in recent years.

But the Dec. 31 regulations, which took effect immediately, are drawing fire from critics who say they do nothing to explain the past actions of the Kentucky Board of Optometric Examiners or address whether optometrists who were exempted from mandatory exams are qualified to continue providing eye care to patients.

"Our focus has always been on patient safety," Dr. Jill Bryant, executive director of the National Board of Examiners in Optometry, or NBEO, said in an email. "We are deeply concerned that the people of Kentucky are still receiving treatment from improperly licensed optometrists who have never demonstrated that they can successfully pass national competency assessments — and, in some instances, have repeatedly failed those assessments."

The regulation allows any optometry graduate from 2020-2023 who has not passed all required licensure exams to do so by 2027.

The board began granting waivers to testing requirements during the COVID-19 pandemic, citing travel and other restrictions. It continued to approve exemptions after the COVID emergency had ended, including in December 2023.

The NBEO administers

licensure exams for optometry graduates in all 50 states. The Kentucky Lantern reported in December that the national board had identified 21 optometrists in Kentucky who had gained licenses from 2020 through 2023 without passing "one or more" parts of the three-part national exam then required by state law.

Among them was Dr. Hannah Ellis, the daughter of former board president Dr. Joe Ellis, a prominent Kentucky optometrist active in state and national optometry circles. He abruptly resigned from the board last month and has not responded to requests for comment.

Several of the optometrists who had not met all requirements, including Hannah Ellis, were graduates of the University of Pikeville College of Optometry, which opened in 2016 as Kentucky's only optometry school.

Patient safety 'forgotten'?

The state board has not responded to multiple requests for comment from the Lantern and has made little public comment apart from two brief statements on its website, the most recent announcing the emergency regulations.

The board "feels strongly that all licensees should possess the skills and knowledge to be granted a license," the Dec. 31 statement said in part.

But the emergency regulations fall short of that goal, according to the Kentucky Academy of Eye Physicians and Surgeons, which represents medical doctors who specialize in eye care. In a statement, it called for "full transparency" from the state board

in addressing the matter.

"We are concerned that they do not have a plan to address the educational shortfalls of those optometrists who could not pass the nationally standardized licensure tests — at least some of whom are performing surgical procedures on Kentucky patients," the academy said in a statement.

Optometrists hold a four-year doctorate of optometry degree and following a 2011 lobbying blitz at the Kentucky General Assembly, won a broad expansion of their scope of practice including the right to perform some eye surgeries. The NBEO has described it as "one of the broadest scopes of practice in the United States."

Dr. William "Chip" Richardson, a Georgetown ophthalmologist and former president of the academy, said he is "frankly disheartened" by the board's proposed solution that appears to allow optometrists who have not met professional standards to continue treating patients. He also believes the new regulations water down requirements.

"What's sadly forgotten here is patient safety," he said in an email.

Kind of puzzled'

A key legislator also wants further information from the state board, including why it granted exemptions for some candidates and whether they hold a valid license to treat patients.

Sen. Stephen Meredith, R-Leitchfield and chair of the Senate Health Services Committee, said he expects to seek answers from the board through his committee during the legisla-

tive session that convened Tuesday.

"I'm still kind of puzzled by it all," Meredith said. "We need to know what's going on."

Meredith sought the Oct. 1 Kentucky attorney general's opinion that found the state board circumvented state law by authorizing exemptions for licensure through board actions rather than through enacting new regulations.

It directed the board to review the licensure of all optometrists granted licenses with such exemptions.

Meredith said he's also concerned that the former board president's daughter was among those granted exemptions and plans to inquire about that.

"That's obviously a conflict of interest," he said.

The emergency regulations state they are in response to the attorney general's opinion.

It found that the board "acted beyond its authority" in waiving some requirements for licensure, instead allowing "alternative testing" it did not detail. The opinion added that "any person who applied for a license to practice optometry using the waiver and alternative testing did not comply with the relevant regulations."

While the board has acknowledged waiving Part 3 of the exam, an in-person testing of clinical skills with patients — citing restrictions of the pandemic — it has remained silent about any other exemptions.

The Lantern identified at least six instances when the board acted on exemptions to testing — including an apparent decision in December 2023, after

the COVID emergency had ended — to waive Part 1 of the exam.

Board minutes state without elaboration that some optometry school graduates unable to pass Part 1 "will be allowed licensure with additional educational requirements." Part 1, which focuses on science and medical knowledge, is considered the hardest of the exam's three parts.

Last year, the state board enacted a regulation allowing Kentucky licensure candidates to substitute the Canadian exam, considered easier to pass, saying in written comments that some optometry graduates were unable to pass Part 1 of the national exam.

Duty to 'protect the public'

The new regulations state that optometry graduates from 2020 through 2023 must show that they have passed either Part 1 of the national exam or the Canadian exam before they renew their licenses in 2027.

Also, they must pass Part 2 of the national exam, which tests a candidate's skills at diagnosis and treatment.

And they must pass either Part 3 of the national exam, which tests how well a candidate performs in treating people posing as patients — or it allows for candidates to pass a new, Kentucky version of the test to be developed specifically for those candidates previously exempted.

The emergency regulations say that all affected licensees will be notified by Jan. 15 of the requirements.

The Kentucky Optometric Association released a statement in support of the

new regulation but called for the changes to be implemented "in a transparent manner to ensure that public safety and licensee qualifications are never called into question."

The board's Dec. 31 statement provides no details of how the board reached a decision, developed the emergency regulations or whether it took a vote on them.

The board met in December but made no public comment or what members discussed in a closed session.

It has never responded to the NBEO which in a May 23, 2025 letter said that it had identified 21 optometrists in Kentucky who appear to have been granted a license without having passed "one or more" parts of the three-part national exam.

The Dec. 31 statement on the Kentucky board's website said the board acknowledged it did not use the "correct regulatory process" during the COVID-19 emergency when it temporarily waived the requirement that candidates pass Part 3 of the national exam. It makes no mention of waiving Part 1.

However, all candidates seeking to renew licenses must show by 2027 that they have met all requirements, it said, stating:

"The duty of the Kentucky Board of Optometric Examiners is to license qualified optometrists as well as protect the public, and the current board members are committed to executing this responsibility."

<https://www.kentuckylantern.com>

Looking back to Jan. 8, 2020

Written by Ashley McCarty

The following information was entered into the Jan. 8, 2020, edition of The Ledger Independent:

Vanceburg officials hear outrage over daycare

VANCEBURG — Tensions were high at Vanceburg City Council Monday.

After council opened the meeting, Mayor Dane Blankenship opened the floor to the public. The atmosphere was volatile from there.

Tammy Adkins, an operator for Lewis Coun-

ty Child Care, stood up and spoke alongside fellow operator, Becky Stevenson.

According to news reports, Adkins and Stevenson had received a letter from Vanceburg City Attorney Lloyd E. Spear, dated Dec. 11, that the building owned by the city and where the center is located would be up for sale. The auction date was set for Jan. 17 at 5 p.m.

"Do we need to bring up the daycare before you can talk about it?" said Adkins. Stevenson asked what the council had planned for the daycare.

"The city owns the

building, the city is going to sell the building. The day for the sale, it's an open auction, it's a public auction, whoever is there can bid on it and own it," said Blankenship.

Adkins said that she and Stevenson had offered in the past to increase their rent and pay for the insurance on the building.

"Well, I'm the mayor, so I'll take the heat for it. But the council has discussed it, and that's what has been decided is to sell it. Like I said, we're not trying to close down the daycare, but we own the building, we're going to sell the building. You all are more than welcome to be there that day to buy the building," said Blankenship.

Adkins stood up.

"OK, if you sell this building, you appraise it at \$65,000, can we get proof from you and the city council exactly how much you're out for this daycare building? Because it's not very much money that this city and this council is out. You did — and I appreciate it — put in a new system, heating and air, but we've already

had work on it three or four times. Who paid for that cost? We did. So I don't know if you put in a new unit, or some kind of new unit, or what, but if you put in a new unit, there should not be no work done to it within four weeks, months, from that," said Adkins.

"You know, it's sad. For the community. It's sad. What's the reason for selling it?" said Adkins.

Blankenship said the reason is purely financial. Adkins said she wanted documentation on how much the city has paid for the daycare. Blankenship said that Adkins and Stevenson were more than welcome to come in, and providing they made the correct request, get the information.

"Is anybody concerned about the daycare kids? That the community is losing a daycare?" said Stevenson.

"Well we're all concerned, but I think there's been miscommunication for a long time, because I know, a number of years back, the rent was going to be raised, but we never did get that passed," said Joni Pugh, a member of the city council.

"We'd just like to see it stay a daycare, regardless. This building needs to be here for the community of our young kids. You know, we've had parents that couldn't graduate high school if it wasn't for us. Because they had help from the assistance program, to help them get through high school, while they had their kids safe at daycare," said Councilman Glen Bannister.

Stevenson said she would be interested to see what was on the documentation for city costs concerning the daycare, before also taking her leave.

According to Adkins, as of now, 30 kids will be affected by the daycare shutting down. There were more, said Steven-

son, but they had already left due to the news of its potential sale. Pugh reiterated and said that the city was simply losing too much money.

Angie Patton, councilwoman, said the city was breaking even on the building's insurance and rent collected per year.

The \$65,000 that the building has been appraised for will go back into the general fund for the city, said Patton.

"I hope you all choke on that \$65,000 that the city is going to make, and I'd like to see some proof of what that money's going to go for," said Adkins, before leaving.

"We have had discussions and discussions, you don't know what we've all went through. Discussions of what can we get rid of, what can we do to save our city as it is? Not one person here is taking this lightly. We hate it as much as you do, but we were elected to take care of the city. We're not against nobody, the kids need some place to go, but they didn't elect us to make sure the kids go, they elected us to make sure that this city survives," said Councilman Glen Bannister.

Stevenson said she would be interested to see what was on the documentation for city costs concerning the daycare, before also taking her leave.

The meeting was quietly adjourned after the council approved Brenda Lykins to fill an open housing board seat.

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