



NATIONAL BOARD OF EXAMINERS IN OPTOMETRY

March 23, 2026

Dear Members of the General Assembly,

The National Board of Examiners in Optometry® (NBEEO®)<sup>1</sup> writes to correct the misrepresentations in the letter to you from the President of the Kentucky Board of Optometric Examiners (KBOE), dated March 10, 2026. So that you can assess the true facts, we have attached a chart that includes KBOE’s asserted “myths” and “facts” verbatim, along with corresponding corrections – with citations to and excerpts from the relevant legal authorities. We have also attached supporting materials for your reference, so that you can independently verify the accuracy of NBEEO’s corrections.

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<sup>1</sup> NBEEO was established in 1951 by the International Association of Boards of Examiners in Optometry – the precursor of the Association of Regulatory Boards of Optometry (ARBO) – and the Association of Schools and Colleges of Optometry (ASCO) to establish the legitimacy and credibility of the optometry profession. NBEEO is an independent, 501(c)(3) tax-exempt nonprofit organization. The mission of NBEEO is to protect the public through competence assessment. NBEEO reports results of its standardized licensure examinations to state optometry boards as authorized by the candidates. NBEEO is ethically required to alert state licensing boards if it identifies any individuals granted licenses who have not passed NBEEO examinations.

<u><b>KBOE’s So-Called “Myths”:</b></u>	<u><b>KBOE’s So-Called “Facts”:</b></u>	<u><b>NBEO CORRECTIONS</b></u>
<p><b>“MYTH”:</b> The KBOE did not have legal authority to waive licensure requirements or accept alternative testing for licensing.</p>	<p><b>“FACT”:</b> The KBOE does have the legal authority, but it must follow the proper administrative process. Previously, the KBOE made edits to license related documents to reflect its examination requirements per guidance from prior staff and legal counsel. However, it did not amend its administrative regulation.</p>	<p>The Opinion of the Attorney General on this issue could not be clearer: <b>KBOE “acted beyond its authority in waiving licensure requirements.”</b> See OAG 25-13, at <a href="https://www.ag.ky.gov/Resources/Opinions/Opinions/OAG%2025-13.pdf">https://www.ag.ky.gov/Resources/Opinions/Opinions/OAG%2025-13.pdf</a>. Even if KBOE received poor prior advice, that does not make its waivers of the requirements in its own regulations valid. As stated in the Opinion:</p> <p><i>The General Assembly has expressly prohibited an administrative body from “modify[ing] a statute or administrative regulation” via its own “internal policy, memorandum, or other form of action.” KRS 13A.130(1)(a). In fact, any such modification “is null, void, and unenforceable.” KRS 13A.130(2).</i></p>
<p><b>“MYTH”:</b> An optometrist licensed with a prior waiver or alternative test does not have a valid license and should not be practicing.</p>	<p><b>“FACT”:</b> The Office of the Attorney General Opinion (OAG 25-13) never stated these individuals have invalid licenses, despite the assertions otherwise. The AG opinion held the process was invalid and the KBOE was ordered to review the licensure of these individuals to ensure compliance with the competency requirements set forth in administrative regulation.</p>	<p>Again, OAG 25-13 speaks for itself. The Opinion states that the Board’s grant of any license through a waiver</p> <p><i>is null, void, and unenforceable.” KRS 13A.130(2).... [T]he Board’s attempt to use [resolutions] to change the exam requirements was invalid.</i></p> <p>By statute, “No person shall practice optometry in this Commonwealth or hold himself or herself out as being able to do so unless he or she is the holder of a license duly issued to him or her by the [KBOE].” KRS 320.220. The Attorney General has confirmed that the licenses the KBOE issued through waivers were invalid, null, void, and unenforceable because the KBOE acted beyond its authority. Those waiver licenses were <u>not</u> “duly issued,” because they were issued in a manner that “<i>the General Assembly has expressly prohibited,</i>” as explained in OAG 23-13. Accordingly, the Attorney General stated that</p> <p><i>the waiver and allowance for alternative testing were without the force and effect of law. It is further the opinion of this Office that any person who applied for a license to practice optometry using the waiver and alternative testing did not comply with the relevant regulations.</i></p>

<b><u>KBOE’s So-Called “Myths”:</u></b>	<b><u>KBOE’s So-Called “Facts”:</u></b>	<b><u>NBEO CORRECTIONS</u></b>
<p><b>“MYTH”:</b> Optometrists who were licensed with a prior waiver or alternative test could not pass the national tests.</p>	<p><b>“FACT”:</b> Many optometrists never failed a single national test. Through no fault of their own, many individuals relied upon the KBOE’s policies and requirements that were in place at the time.</p>	<p>As has been publicly reported, multiple individuals who received waivers of licensure exam requirements from the KBOE failed NBEO examinations, in some cases repeatedly. See <a href="https://www.wave3.com/2026/02/03/troubleshooters-additional-ky-optometrists-granted-licenses-through-waiver-revealed/">https://www.wave3.com/2026/02/03/troubleshooters-additional-ky-optometrists-granted-licenses-through-waiver-revealed/</a> and <a href="https://www.wave3.com/2026/01/12/kentucky-optometry-board-loosens-licensing-standards-allows-test-substitutions/">https://www.wave3.com/2026/01/12/kentucky-optometry-board-loosens-licensing-standards-allows-test-substitutions/</a>. One of those individuals is facing a malpractice suit alleging that she “incorrectly” performed a laser procedure, allegedly causing “permanent and severe injury” to the plaintiff’s right eye, in which the plaintiff is now legally blind. See <a href="https://www.wave3.com/2026/01/15/malpractice-lawsuit-filed-against-kentucky-optometrist-who-failed-national-exam/">https://www.wave3.com/2026/01/15/malpractice-lawsuit-filed-against-kentucky-optometrist-who-failed-national-exam/</a>.</p> <p>NBEO agrees, however, that individuals who received waivers may have in good faith relied at the time on instructions from the KBOE that have now been identified as unauthorized. NBEO commends any individual who has demonstrated their clinical competence through successfully taking the NBEO examination three-part licensure exam series even after receiving an unauthorized waiver from the KBOE.</p>

<u>KBOE’s So-Called “Myths”:</u>	<u>KBOE’s So-Called “Facts”:</u>	<u>NBEO CORRECTIONS</u>
<p>“MYTH”: The KBOE has not been transparent with its ongoing licensure review and future actions.</p>	<p>“FACT”: The KBOE is conducting the mandated licensure review to address the immediate licensing concerns, per the guidance and direction from the October 2025 Attorney General Opinion, This licensure review is detailed in the KBOE’s emergency regulation, 201 KAR 5:021E. Additional licensing changes effective in 2027 are included in the KBOE’s proposed amendments to its application regulation, 201 KAR 5:010. The KBOE has had several legislative meetings outlining this review process and the KBOE shared advance copies of these proposed regulations. The KBOE has also shared as much information publicly as it can throughout the investigative process. All public statements and links to the proposed regulations are publicly available on the KBOE website: <a href="https://optometry.ky.gov/Pages/index.aspx">https://optometry.ky.gov/Pages/index.aspx</a></p>	<p>The KBOE has not been transparent even with the Office of Attorney General. As noted in OAG 25-13, “<i>Meeting minutes for [the KBOE’s] meetings are not available on the Board’s website, and this information comes only from statements made by the Board in response to the Office’s request for information.</i>” However, the KBOE provided information to the Attorney General only about <i>two</i> votes to waive Part III of the NBEO exam and only about waivers granted during the COVID-19 state of emergency. Contrary to the KBOE’s representations to the Office of Attorney General, subsequent reporting based on the KBOE’s minutes shows that (1) there were at least <i>six</i> votes to grant waivers, (2) the waivers were also granted with respect to Part I of the NBEO examination, and (3) the KBOE voted to waive examination licensure requirements for licensure candidates even after the end of the COVID-19 state of emergency. See <a href="https://kentuckylantern.com/2025/12/11/questionable-testing-waivers-put-kys-licensing-of-optometrists-under-scrutiny/">https://kentuckylantern.com/2025/12/11/questionable-testing-waivers-put-kys-licensing-of-optometrists-under-scrutiny/</a>.</p> <p>Even as of today, the KBOE has not made its meeting minutes publicly accessible on its website and has not publicly identified which individuals have been issued invalid licenses. Moreover, despite Open Meetings Act requirements, KBOE board members appear to have been meeting and reaching decisions on behalf of the Board in private, without notification to or attendance by the public. At the Board’s recent public meetings, action items have not been openly discussed and debated by Board members. Rather, pre-written motions have been made and adopted in summary fashion.</p>

<u><b>KBOE’s So-Called “Myths”:</b></u>	<u><b>KBOE’s So-Called “Facts”:</b></u>	<u><b>NBEO CORRECTIONS</b></u>
<p><u>“MYTH”</u>: Licensees should not have the option to take OEBC Part I in place of NBEO Part I, since the KBOE has said it will remove the OEBC option in 2027.</p>	<p><u>“FACT”</u>: During its review, the AG’s office found that the OEBC Part I test option was legally included in 201 KAR 5:010. This regulation provision has been in effect since last summer. Current licensees and applicants have relied on the existing law. The removal of a licensure examination mid-licensing year is not appropriate. The KBOE has given proper notice to all licensees and applicants that OEBC Part I will no longer be accepted for initial licensure in 2027.</p>	<p>A consistent standard of establishing clinical competence for independent practice should apply to all Kentucky optometrists. KBOE, however, mischaracterizes NBEO’s position on this. As explained in NBEO’s public statement (<a href="https://www.optometry.org/media/documents/news/NBEO_Statement_on_KBOE_2_9_26.pdf">https://www.optometry.org/media/documents/news/NBEO_Statement_on_KBOE_2_9_26.pdf</a>),</p> <p><i>The NBEO recognizes that the procedures for amending a regulation take time. However, <b>the KBOE could easily move towards restoring a consistent baseline of measuring competence in fundamental biomedical science for all Kentucky optometrists by adopting a requirement that any licensee who has not passed NBEO Part I must do so by their next license renewal date.</b> An amendment like this would communicate to new candidates for licensure that, although passing the OEBC exam is still temporarily an alternative pathway to initial licensure in Kentucky, optometrists in Kentucky would no longer be permitted to completely bypass the requirement to pass NBEO Part I. Moreover, currently licensed optometrists who gained their license through the OEBC alternative would also need to demonstrate that they in fact have a baseline knowledge of the fundamentals of applied basic science in order to renew their license.</i></p>

**“MYTH”:** As part of the ongoing licensure review, the option to pass the American Board of Optometry (ABO) certification exam should not be used to test existing competency.

**“FACT”:** As stated, these are licensed, practicing optometrists. The ABO certification examination provides an unbiased review of their current standard of competency with transparent scoring criteria. The ABO exam is a practice-based, peer-developed, psychometrically validated assessment, meant to evaluate ongoing clinical competence. The KBOE has great confidence in the quality of the test that is administered. If an existing licensee chooses the rigorous path to meet the ABO qualifications to take the exam and successfully passes the exam, the KBOE feels strongly that any concerns of competency are addressed. To view all the requirements for passage of this exam, please see <https://americanboardofoptometry.org/become-certified/certification-process>.

The KBOE has no legitimate basis to substitute a multiple-choice, computer-based test developed by the American Board of Optometry (ABO) for the NBEO Part III simulated patient live clinical examination. The ABO examination was never designed for use for licensure decisions and has not been validated for that purpose. Unlike the NBEO Part III exam, the ABO exam does not purport to evaluate the safe performance of clinical skills or how optometrists engage with and diagnose patients in live encounters. The Association of Regulatory Boards of Optometry (ARBO) also opposes this measure (see attached) and has written to the KBOE to express their concern that

*the ABO exam has not been psychometrically validated for use as a high-stakes licensure exam.... By allowing this limited use of the ABO Examination, the Kentucky Board ignores the decades' long use of the NBEO examination program in Kentucky and across the US and allows select candidates to be licensed without demonstrating the same skills as other Kentucky licensed optometrists.*

Likewise, the Nevada State Board of Optometry wrote the KBOE to oppose the KBOE's emergency regulation that permits substitution of the ABO exam for passage of NBEO Part III (see attached), explaining that

*The NBEO Part III Exam and the ABO are simply not equivalent, and one should not be substituted for the other to assess the competency of optometric students and/or requisite eligibility for a State or Commonwealth license to practice optometry.*

The KBOE misleadingly claims that the ABO exam is appropriate to use for the waived-in individuals because “these are licensed, practicing optometrists.” Not so; as explained above and expressly stated in OAG 25-13, the waived-in individuals do not hold valid licenses. The KBOE's proposal would mean that these individuals can practice without ever demonstrating competence in the safe performance of clinical skills and patient encounters.

<p>“<b>MYTH</b>”: All other states require passage of all NBEO tests to practice optometry.</p>	<p>“<b>FACT</b>”: At least one other state (Oklahoma) does not require NBEO Part III, but implements its own additional testing. It is not unusual for a Kentucky healthcare related licensing board to allow examination options from more than one source.</p>	<p>No other state accepts the Canadian exam, OEBC, in lieu of NBEO Part I. Moreover, neither Kentucky’s statute nor KBOE’s own regulations permit the KBOE to grant a license by endorsement unless the applicant holds a valid optometry license from another state <i>and</i> “meets all of the qualifications for regular state licensure” in Kentucky, including passing NBEO Part III. See KRS 320.270; 201 KAR 5:010.</p> <p>Regrettably, KBOE’s recent decisions have already led other states to place restrictions on granting licensure by endorsement to Kentucky optometrists. The Nevada State Board of Optometry’s letter to the KBOE states that</p> <p><i>any Kentucky licensee who does not pass National Board and Examiners in Optometry (NBEO) Part III, regardless if he or she passed the American Board of Optometry (ABO) board certification exam, will not be eligible for licensure in Nevada ....</i></p> <p><i>[It] was of such significance to avoid this false equivalence between types of national testing that in the best interests of the public the Nevada State Board of Optometry proposed and sponsored a bill to add an additional section to its license by endorsement statute (NRS 636.206). Eligibility for a Nevada license can only occur if the applicant/non-Nevada optometrist “[h]as passed each part of the comprehensive national optometry examination administered by the National Board of Examiners in Optometry or its successor as a prerequisite to the issuance [of a Nevada license].” This proposal passed 42-0 in the Assembly and 21-0 in the Senate, and became Nevada law in 10/2025.</i></p> <p>In addition, at its December 3, 2025, board meeting, the New Hampshire Office of Professional Licensure and Certification (OPLC) Optometry Board also took up the issue of a motion to “request that Kentucky be removed from the list of reciprocal States due to a change to their license no longer requiring the NBEO for licensing.” New Hampshire law requires OPLC to “issue licenses to professionals who present evidence of an active license in good standing from another jurisdiction . . . <b>provided that the jurisdiction’s licensing requirements are substantially similar to New Hampshire’s license requirements.</b>” See <a href="https://www.oplc.nh.gov/reciprocity-licensing">https://www.oplc.nh.gov/reciprocity-licensing</a>.</p>
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		<p>Some health care fields, such as advanced practice registered nurses (APRNs), have multiple national certifying boards. <b>In optometry, however, NBEO is the only nationally recognized licensure exam organization.</b> It is thus misleading for the KBOE to compare its weakening of optometric licensure standards to the Kentucky Board of Nursing's requirement that licensed APRNs "hold current certification with a KBN recognized national certifying organization." See <a href="https://kbn.ky.gov/advanced-practice-registered-nurse/Pages/national-certification.aspx">https://kbn.ky.gov/advanced-practice-registered-nurse/Pages/national-certification.aspx</a>.</p> <p>.</p>

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<p><b>“MYTH”:</b> There are doctors performing laser procedures who are not licensed or credentialed to perform these procedures.</p>	<p><b>“FACT”:</b> Prior to performing a laser procedure in Kentucky, all optometrists must complete an additional credentialing process where their skills are reviewed by approved preceptors. In addition, the filed emergency administrative regulation prohibits any optometrist that has not satisfied all of the regulatory requirements from performing these procedures until the KBOE has reviewed, received and approved documents demonstrating passage of the required exams.</p>	<p>The KBOE misuses the term “credentialed” by equating “review by approved preceptors” to passing a nationally recognized, psychometrically validated exam developed by subject matter experts through a rigorous exam development process and administered in secure testing centers. Given Kentucky’s expansive scope of practice, inclusive of laser procedures, NBEO urges the KBOE to adopt more rigorous licensure exams for optometrists seeking to perform such procedures, rather than substituting preceptor review for demonstrated competence through examination.</p> <p>NBEO commends the KBOE for proposing to amend its licensure regulation to require applicants to pass NBEO’s Injections Skill Examination (ISE®), effective January 1, 2027. See <a href="https://apps.legislature.ky.gov/law/kar/titles/201/005/010/REG/">https://apps.legislature.ky.gov/law/kar/titles/201/005/010/REG/</a>. The KBOE should also require applicants and licensees to pass NBEO’s Laser and Surgical Procedures Examination (LSPE®) as a condition of authorization to perform those laser procedures. The LSPE is designed to assess optometric cognitive ability to appropriately manage and perform certain laser and surgical skills. See <a href="https://www.optometry.org/exams/lspe">https://www.optometry.org/exams/lspe</a>. The LSPE is a stand-alone, hybrid examination consisting of both a clinical skills portion and a multiple-choice portion; it is administered in a computer-based testing format at NBEO’s National Center of Clinical Testing in Optometry facility, which is also where NBEO administers the Injections Skill Examination.</p>

<p>“MYTH”: The NBEO continues to advocate against the KBOE out of public safety concerns.</p>	<p>“FACT”: The NBEO first shared concerns about KBOE’s prior licensing actions - licensing actions which dated back to 2020 - only after the KBOE filed an administrative regulation providing an alternative testing option in 2025. NBEO has clearly demonstrated its largest motivation is to preserve its role as the sole national testing entity. The current actions taken by the KBOE are appropriate and will help strengthen the public’s trust in our profession. NBEO should demonstrate that same commitment to advancing our profession and protecting the public.</p>	<p>NBEO categorically rejects the KBOE’s false statements that NBEO’s opposition to the KBOE’s weakening of licensure standards is motivated by business interests.</p> <p>The mission of NBEO is to protect the public through competence assessment – and thereby to enhance the credibility of the optometry profession. As stated in the Nevada Board’s letter to the KBOE,</p> <p><i>The NBEO is a widely respected organization that is recognized across all states and territories in the United States for optometric licensure. Use of the NBEO Exams ensures uniformity and consistency in the qualification of optometrists to enter practice and allows for license mobility across the country.</i></p> <p>It is the KBOE, not NBEO, that is failing to serve and protect the public. <b>The KBOE’s repeated and indefensible efforts to prioritize special treatment of one group of optometrists over patient protection and to create loopholes in licensure standards needs to end.</b></p> <p>For many months, NBEO has repeatedly sought dialogue with the KBOE and has issued at least eleven invitations to the KBOE to learn more about the NBEO’s examinations – including, most recently, on March 2, 2026 – but the KBOE has yet to accept those invitations or to consult with NBEO about the KBOE’s rulemakings.</p> <p>That NBEO did not raise concerns about KBOE’s actions until 2025 is because the KBOE granted its waivers in secret, without notifying either the public or NBEO about this. The KBOE’s licensing actions in granting waivers dated to 2020, but the KBOE did not post minutes of its meetings in which the waivers were granted. NBEO first became aware of the KBOE’s actions in weakening its licensing standards only after the KBOE published its administrative regulation in 2024 to allow applicants to bypass taking the NBEO Part I exam. In May 2025, the NBEO sent a letter to the KBOE flagging an initial list of 21 individuals whom the NBEO had identified, through review of its records, as holding a Kentucky optometry license without having passed one or more parts of the three-part NBEO licensing exam series. NBEO’s letter asked the KBOE for information and offered NBEO’s assistance; the KBOE never responded to NBEO’s letter.</p>
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		<p>NBEO appreciates that the KBOE has now proposed a new administrative regulation to rescind the OEBC alternative, starting in 2027, and to reinstate the requirement that all new applicants for a license to practice optometry in Kentucky demonstrate their baseline knowledge of fundamental biomedical science by passing NBEO Part I. <b>NBEO urges the KBOE to take further action to ensure consistent standards for all Kentucky-licensed optometrists, in support of patient health and safety.</b></p>