

KANSAS BOARD OF EXAMINERS IN OPTOMETRY
Minutes of the April 14, 2020 Meeting

- I. 1:00 pm called to order by Ron Hansen, OD, President. Members of the Board present were Drs Gerard Lozada, Craig Newland, Rebecca Sparks and public member Gary Slimmer. Also, in attendance were Randy Forbes, Board Counsel and Jan Murray, Executive Officer and Members of the public were Todd Fleischer, KOA representative.
- II. The Board discussed Governor Kelly's Executive Order 20-19. EO 20-19 extends the renewal date on licenses by 90 days after the State of Emergency ends. The Board instructed Ms Murray to email the notification to all licensees and post it on the Board's website. The notification is attached.
- III. The Board discussed routine care, the CDC recommendations and unprofessional conduct. The Board instructed Ms Murray to send the attached memo to all the licensees.
- IV. Next Board Meeting: The Board decided to hold the April 30th Board meeting remotely. The Board instructed Ms Murray to purchase Zoom Pro to host the meeting.
- V. Dr Newland motioned and Mr Slimmer seconded a motion to adjourn. The motion passed 5-0. The Board adjourned at 1:53 pm.

Notice Regarding Extension of Licenses Pursuant to Executive Order 20-19

The Governor has issued an Executive Order requiring all State licensing authorities to extend the renewal deadline for licenses that expire during the State of Emergency Disaster Declaration, if the licenses were in good standing on March 12, 2020. The extension lasts until 90 days after the State of Disaster Emergency ends. Licenses that were current and valid on March 12, 2020 will remain valid until the extension expires. The Executive Order also requires licensing authorities to extend the deadlines for continuing education requirements until 90 days after the end of the State of Disaster Emergency. See <https://governor.kansas.gov/wp-content/uploads/2020/04/EO-20-19-Executed.pdf>.

Also per the Governor's Executive Order, the Board of Optometry will not apply any late, delinquent, penalty, or expiration fees to renewals that meet the requirements above. Fees and penalties will be applied for licenses covered by the Order that are not renewed within the extension period, for licenses that expire after the State of Emergency Disaster ends and are not renewed within the standard deadlines, and for licenses that expired before March 12, 2020 and were not renewed within the standard deadlines.

The Executive Order applies to licenses that were in good standing on March 12, 2020, which includes current, valid licenses and licenses that were subject to probation, non-disciplinary conditions, limitations, or restrictions. Licenses that were revoked, cancelled, surrendered, or suspended as of March 12, 2020 were not in good standing and do not receive the benefits of the Executive Order.

Licensees are responsible for monitoring official news about the end date of the State of Disaster Emergency and complying with the 90-day extension date or complying with the standard deadlines if their license expires after the end date.

On March 17, 2020, the US Centers for Disease Control offered COVID-19 guidance that all healthcare facilities and clinicians should prioritize urgent and emergency visits.

Specifically, the CDC noted “the following actions can preserve staff, personal protective equipment (PPE), and patient care supplies; ensure staff and patient safety; and expand hospital capacity during the COVID-19 pandemic:

- Delay all elective ambulatory provider visits
- Reschedule elective and non-urgent admissions
- Delay inpatient and outpatient elective surgical and procedural cases
- **Postpone routine dental and eyecare visits”**

Further information on recommendations regarding COVID-19 care can be found at: www.aoa.org/documents/HPI/HPI%20CoronaVirus%20Statement%201-30-20.pdf and www.aoa.org/coronavirus

In light of the guidance of the CDC and the American Optometric Association, the Kansas State Board of Examiners in Optometry wishes to remind Kansas licensed optometrists that the Kansas Optometry Act defines unprofessional conduct as:

65-1516. Professional incompetence; unprofessional conduct; defined. As used in this act:

(a) "Professional incompetence" means:

(1) One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence as determined by the board.

and-

65-1516. Professional incompetence; unprofessional conduct; defined. As used in this act:

1. "Unprofessional conduct" means:

(3) Conduct likely to deceive, defraud or harm the public.

Given the current COVID-19 pandemic, it is the Board's opinion that seeing ANY non-essential or non-emergent (routine care) patients at this time could be a violation of the Kansas Optometry Act and may be subject to discipline by the Board.