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Pandemic-Related Mask Guidance

March 7, 2022

To: All Kansas Optometry Licensees

Current Pandemic Guidance for Kansas Optometry Licensees

The Kansas State Board of Examiners in Optometry met on March 2, 2022 and March 7, 2022, in part to discuss guidance to licensees regarding the requirements for mask wearing in healthcare settings. With this notification, all licensees are considered advised of the position of the Board regarding optometric practice in Kansas and the pandemic.

The KSSBEO hereby reminds all licensees, regardless of practice modality, that they are considered healthcare providers, and work within a healthcare setting as defined by the Centers for Disease Control and the Occupational Safety and Health Administration (OSHA). As such, all optometrists, their staff, their patients, and any other guests of the practice should follow CDC guidelines for the requirements for source control in a healthcare setting.

The KSSBEO has received and anticipates receiving future complaints regarding failure to wear a mask and/or follow CDC guidelines. The KSSBEO considers and investigates all complaints. Depending on all of the attendant circumstances, failure to follow CDC guidelines affecting optometric practices in Kansas may constitute a violation of the Kansas Optometry Law relating to standards of care and professional conduct, including without limitation K.S.A. 65-1516 (a)(1)(2)(3) and (b)(14):

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.
- (2) Repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board.
- (3) A pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice optometry.

(b) "Unprofessional conduct" means:

....

- (14) Repeated failure to practice optometry with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances.

The KSSBEO recognizes the implementation of these guidelines represents an inconvenience for both the patients and healthcare providers in an optometric practice. However, source control measures decrease the risk of transmission of disease between parties, in particular between HCP and patient in an examination room. One goal of the KSSBEO is to educate Kansas licensees regarding the guidance provided by CDC and OSHA to reduce this type of infection transmission.

As the COVID-19 pandemic is a continually evolving healthcare crisis, the KSSBEO encourages all licensees to continue to monitor local, state, and federal healthcare agencies to obtain the most current information to protect themselves, their staff and patients.

The KSSBEO will continue to issue updates to all licensees as the pandemic healthcare crisis evolves.

History

In March 2020, in response to the novel coronavirus and associated COVID-19 respiratory disease, the Centers for Disease Control (CDC) issued their strongest recommendation for all persons to wear facial masks to reduce the risk of transmission of disease. The Kansas State Board of Examiners in Optometry (“KSSBEO”) followed suit in April 2020, advocating all licensees continue to monitor the information provided by the CDC, state, and local health agencies to best protect themselves, their staff and patients during the pandemic.

In April 2021 the CDC issued a change in their masking recommendation to allow for fully vaccinated individuals to go about most of their normal daily activities without a facial mask. The CDC specifically exempted healthcare settings from this amended guidance.

In September 2021, the KSSBEO updated the Pandemic-Related Mask Guidance based on new information provided by the CDC and OSHA. The Board strongly encouraged all licensees to abide by the guidelines set forth by both these entities regarding optometric practice and safety of healthcare workers and patients.

On February 25, 2022, the CDC issued updated guidance regarding the wearing of facial masks in public *for non-healthcare settings*. The CDC’s most recent guidance *for non-healthcare settings* is based on local infection and hospitalization rates, determined on a community basis. The KSSBEO continues to encourage all licensees to monitor and follow the CDC’s guidance for healthcare settings.

The COVID-19 Community Level is available on the CDC website, www.cdc.gov. In the “Low” and “Medium” Community Levels, it is deemed an acceptable risk for healthy, vaccinated members of the public to be indoors without facemasks. At the “High” Community Level, members of the public are encouraged to use facemasks, regardless of their individual health status. A person whose health is compromised is encouraged to continue to use a facemask, regardless of community level status.

A summary of information relevant to optometric practices follows, however all licensees should read and understand the material provided on the CDC website.

Current CDC guidance for Healthcare Settings

CDC guidance for healthcare settings and healthcare personnel (HCP) was released February 2, 2022:

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-recommendations.html>

The information presented applies to all US settings where healthcare is provided.

Recommended routine infection prevention and control (IPC) practices during the COVID-19 pandemic

- Everyone – HCP, staff persons, and patients – are encouraged to remain up to date with all recommended COVID-19 vaccine doses.
- Establish a process to identify and manage individuals with suspected or confirmed COVID-19 infection
 - Post a visual alert at the entrance and other strategic locations with instructions about recommendations to reduce transmission of illness
 - Establish a process to identify anyone entering the facility, regardless of vaccination status, who has any of the three following criteria
 - A positive viral test for SARS-CoV-2
 - Symptoms of COVID-19, or
 - Close contact with someone with SARS-CoV-2 infection or a higher-risk exposure

Implement Source Control measures

- “Source control refers to the use of respirators or well-fitting facemasks or cloth masks to cover a person’s mouth and nose to prevent spread of respiratory secretions when they are breathing, talking, sneezing, or coughing.”
- “Source control and physical distancing (when physical distancing is feasible and will not interfere with provision of care) are recommended for **everyone in a healthcare setting.**”
- “While it is generally safest to implement universal use of source control for everyone in a healthcare setting, the following allowances could be considered **for individuals who are up to date with all recommended COVID-19 vaccine doses** in healthcare facilities **located in counties with low to moderate transmission.**”
 - HCP who are up to date with all recommended COVID-19 vaccines doses could choose not to wear source control or physically distance when they are in well-defined areas that are restricted from patient access
 - HCP **should wear source control** when they are in areas of the facility where they could encounter patients
- Patients and their visitors should wear source control and physically distance with indoor visitation.

Physical Distancing

In situations when patients are not all up to date with recommended COVID-19 vaccinations are occupying the same office space, seating should be arranged to maintain a six foot separation between individuals.

Engineering Controls and Indoor Air Quality

- Optimize the use of engineering controls to reduce or eliminate exposures by shielding HCP and other patients from infected individuals