

Kansas State Board of Examiners in Optometry
Source Control Guidance
Update November 10, 2022

Beginning in March of 2020, with the advent of the novel coronavirus and associated COVID-19 pandemic, the Centers for Disease Control (CDC) released recommendations for measures designed to reduce the risk of the spread of infection. These measures have been amended over the course of the last two years to account for increasing knowledge and experience with this virus. Shortly after the issuance of the CDC's initial guidance, the Kansas State Board of Examiners in Optometry (KSSBEO) in turn released guidance designed to protect the safety and well-being of Kansas licensees, as well as their staff and patients. This guidance was echoed by both the Kansas Optometric Association and American Optometric Association. The KSSBEO has continually updated its guidance to licensees, taking into consideration any changes to the CDC guidance, in furtherance of its purpose to protect the public.

The CDC recently updated its guidance for healthcare providers.¹ Notably, the CDC cautions healthcare providers to continue to use **local community transmission rates**,² and not local COVID-19 community levels, in evaluating source control measures and further advises healthcare providers to continue to follow the CDC's infection prevention and control recommendations for healthcare settings. The KSSBEO continues to strongly recommend that all licensees abide by the CDC's guidance as updated effective September 23, 2022.

There are multiple changes to be aware of, and it is recommended that all licensees review the updated guidelines to better understand them. In particular, the Board emphasizes the following sections of the update; 1. Recommended routine infection prevention and control practices during the COVID-19 pandemic and 2. Recommended routine infection prevention and control practices when caring for a patient with suspected or confirmed SARS-CoV-2 infection. Note that the guidelines suggest each healthcare professional review **their county's community transmission rate** in order to determine the guidance for any particular day. Because community transmission rates may vary from time-to-time, regular review will be necessary to remain current.

¹ The Centers for Disease Control reference "Interim Infection Prevention and Control Recommendations for Healthcare Personnel During the Coronavirus Disease 2019 (COVID-19) Pandemic" can be found at the following link:
<https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-recommendations.html>

² Community Transmission Rates are available at:
https://covid.cdc.gov/covid-data-tracker/#county-view?list_select_state=Kansas&data-type=&null=20091

The KSSBEO also continues to advise all licensees that the failure to follow CDC guidance may form the basis for disciplinary action pursuant to K.S.A. 65-1516 and 65-1517. Licensees are required to adhere to the applicable standard of care. Subject to consideration of all circumstances, the failure to follow the CDC guidance may not conform to the applicable standard of care. The KSSBEO and its individual members have continually received complaints and comments regarding licensees, their staff or patients not utilizing source control in a clinical setting and anticipates that such complaints will continue. This Board has historically placed the health and well-being of Kansans as their *first and most important consideration* and will continue to do so.

The KSSBEO has the duty to enforce the standard of care statutes found in KSA 65-1516(a) in order to protect the public from gross, or ordinary, negligence based on the principal of what would a reasonable practitioner do in a given situation. For example, would a group of reasonable licensees agree that determining the ocular health status of a patient is the standard of care during a comprehensive eye examination? Would a group of reasonable licensees agree on the importance of hygiene after a patient with Epidemic Keratoconjunctivitis (EKC) is evaluated? In each of these examples, the legal duty to follow the standard of care affects only the one licensee involved. KSSBEO has the responsibility to review concerns regarding standard of care compliance through investigation and the adjudicative process.

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