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## Kansas State Board of Examiners in Optometry (KSSBEO) Pandemic-Related Mask Guidance

September 20, 2021

To: All Kansas Optometry Licensees

### 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 persons 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.*

On September 1, 2021, the CDC updated their mask wearing guidance to allow for fully vaccinated individuals to attend outdoor events without a mask, and recommended mask wearing for all people for indoor activities (regardless of vaccination status) for areas of “substantial or high transmission.” As of September 18, 2021, only two counties in Kansas (Hodgeman and Meade) did NOT fall in the substantial or high transmission categories.

*The September 1, 2021 guidance continues to specifically exempt all healthcare settings from the mask-wearing advisory.*

### Pandemic Guidance for Kansas Optometry Licensees

The Kansas State Board of Examiners in Optometry met on August 25, 2021, 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 advises all licensees, regardless of practice modality, that they are considered health care 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 facial mask in a healthcare setting.*

Failure to follow and enforce CDC guidelines regarding mask wearing in 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.

Failure to abide by the guidelines issued by CDC and OSHA may also carry federal penalties.

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 persons, and patients.

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