



Board of Examiners in Optometry

February 2023 Newsletter

Message from the President:

At the start of my tenure on KSSBEO, I received a congratulatory phone call on my appointment and was asked, “What is it like working with Todd?” The question was about Todd Fleischer and my answer was that I did not work with Todd, in the sense that we worked for the same organization, since he was with the KOA. That prompted the following, “But aren’t you on the Board?”

The Kansas State Board of Examiners in Optometry and the Kansas Optometric Association are different organizations each having its own composition and purpose. Confusion between the two is common and possibly furthered by the word “Board” being in KSSBEO and the KOA having a “Board of Directors”. The result is that licensees and members of the public, having a concern, routinely contact the wrong organization and are asked to contact the other. This may give the impression that the organizations are related, but they are not.

KSSBEO is part of the executive branch of the state of Kansas, specifically an independent agency, whose members are appointed by the governor to represent the public; the KOA is a trade group whose officers are chosen from within the association to represent its member-practitioners. As an independent agency, KSSBEO reports directly to the governor and not to the Kansas State Board of Healing Arts nor to the Kansas Department of Health. The purpose of KSSBEO is to carry out the intent of the legislature as defined in Kansas statutes, i.e. the Optometry law, K.S.A. 74-1501 et seq. and K.S.A. 65-1501 et seq. While not the same, an analogy with another independent agency, the Kansas Highway Patrol, is helpful. State troopers are state employees charged with enforcing state law throughout the entire state of Kansas, including on state, federal and interstate highways. Similarly, KSSBEO members are state officers charged with enforcing state law with respect to the practice of optometry in Kansas.

Kansas statutes dictate the actions of KSSBEO with the following being the most frequent reasons for contact from the Board: 1) advertising prior to obtaining a license, 2) use of a trade name prior to obtaining approval, 3) failure to obtain the required number of continuing education credits by the end of the renewal period, and 4) failure to provide, or correct, information on a document related to the practice of optometry. These errors require significant Board resources and, since they are violations of Kansas statutes, carry potential consequences.

Just as highway patrol enforces the laws of the road, KSSBEO enforces the laws of optometry. Advertising without a license or use of a trade name without approval, continue to occur, and nearly every year, a licensee has their license lapse due to insufficient continuing education credits. Additionally, instances of license suspension or license application denial, occur due to inaccurate information having been submitted on a document.

KSSBEO continues updating the processes of licensure by examination, reciprocity licensure, and trade name approval, plus modernizing policies and improving public access to Board actions. Of interest to all is that KSSBEO is seeking to increase license renewal fees from \$225 to \$275 per year (\$550 biennially). Previous license fee increases occurred in 1992, 1996, and 2004; three increases in 12 years versus one in the past 19 years.

As the end of my tenure on KSSBEO approaches, I would like to thank Governor Sam Brownback for my appointment, Governors Jeff Colyer and Laura Kelly for my reappointments, and my fellow Board members over the years. Nothing that I know of compares to the experience of being a member of KSSBEO; it is like participating in a non-stop continuing education program.

Dr. Gerard Lozada
KSSBEO President

Meet the New Board Member:

In 2022, the Board said good-bye to Rebecca Sparks, OD who had been on the Board since 2013 and welcomed Sheena Nagaraja, OD.

Dr. Nagaraja was born and raised in Manhattan, KS. She graduated from Kansas State University with a degree in Biology and minors in Leadership Studies and Women's Studies. She received her professional degree from UC Berkeley School of Optometry in 2011. Dr. Nagaraja then completed a residency program in Ocular Disease and Low Vision at the Kansas City Veterans Affairs Medical Center. Dr. Nagaraja worked in private practice in Wichita, KS and Columbus, GA as she accompanied her military spouse around the country.

Proposed Fee Increases for 2023:

On February 22, 2023, the Board will be conducting a public hearing at 7:00pm via Microsoft Teams to consider the adoption of the proposed regulation K.A.R. 65-4-3. This amended regulation would increase the biennial renewal fee to \$550. The Board will accept written comments prior to the meeting by mailing them to KSSBEO, 3109 W 6th St, Suite A, Lawrence, KS 66049 or by email to kssbeo@ks.gov. Interested parties may also be given a reasonable opportunity to present their views orally during the public hearing. If you are interested in attending the hearing, please email kssbeo@ks.gov and the link to the meeting will be emailed.

The entire proposed amended regulation and economic impact statement can be found on the Board's [website](#).

This will be the first fee increase since 2004. The Board will be updating the Board's current licensing database. The current licensing database is becoming antiquated, and it will be costing the Board more to keep it up with the everchanging technologies. The new program, in addition to renewing licenses, will also be capable accepting online applications, be mobile compliant, easily configurable, and will increase efficiencies in the office.

The proposed fee increase would take effect for the 2023 renewals.

New COPE Formats:

Beginning in January 2023, COPE implemented new COPE Formats:

Synchronous In-Person – Formerly Live

Synchronous Virtual – Formerly Interactive Distance Learning

Asynchronous – Formerly Enduring Distance Learning

For both Synchronous In-Person and Virtual:

Lecturer and learner are together at the same time.

Real time communications between the instructor and the learner.

Learners can receive immediate feedback.

Fixed Schedule; learning takes place only once at a specific date and time.

For Asynchronous:

Lecturer and learner are not together at the same time.

No real time communication between the instructor and the learner.

Learners do not receive immediate feedback.

Content is created and made available for attendance at a later date.

No fixed schedule, learner paced.

Currently per K.A.R 65-5-6(b), any CE that is not in-person (where you can reach out and physically touch the instructor), will be limited to the 8 hours.

65-5-6 (b) No more than eight hours of the 24 annually required hours of documented and approved continuing education may be obtained through courses that do not include a live presentation. No more than four of the 24 annually required hours of documented and approved continuing education may be obtained through observing ophthalmic surgery. No more than four of the 24 annually required hours of documented and approved continuing education may be in the subject area of practice management Courses including those presented through the internet, by correspondence, in journals or other publications, and by presentation that is remote or recorded, or both, shall be subject to the limitations specified in this subsection.

Have you made moved or changed practice locations?

Did you know that you are required to keep the Board updated on any changes to your information – including practice locations, home address, phone numbers and email addresses? This needs to be done **at the time of the change** and not just at renewal time. Per K.S.A 65-1509 (a):

65-1509. (a) Before engaging in the practice of optometry in this state, it shall be the duty of each licensed optometrist to notify the board in writing of the address of the office or offices where such licensee is to engage or intends to engage in the practice of optometry and of any changes in the licensee's location of practice. Any notice required to be given by the board to any licensed optometrist may be given by mailing to such address through the United States mail, postpaid, or by electronic means to such electronic mail or facsimile address provided by the licensed optometrist to the board for such purpose.

Updates to practice locations, home addresses, phone numbers, and email addresses for Kansas Driver's license verifications can be made [here](#).

If you need to update your email address for Board notifications only, please contact the Board office: kssbeo@ks.gov with the new email address. You can also sign up for text message as well.

EpiPens and Light Adjustable Lens (LAL):

Current optometry statutes **DO NOT** allow the use of EpiPens or Light Adjustable Lens in the practice of optometry.

Retired Licenses:

Steven B Bartholomew
Diana L Carriger
Alan R Hansen
David E Orson
Cynthia A Simone

Gail Burden
Jane M Gillogly
Holly A McLain
Richard L Roenfeldt
Zachary A Unruh

Neil M Carr
Kristin L Ham
Stanley J Nelson
Kerri W Scarbrough
Bradley R Wimmer

Disciplinary Actions:

In the Matter of Caitlin Toso, O.D., KSSBEO Case No: 2022-05

In the Matter of Thang Bui, O.D., KSSBEO Case No: 2022-06

In the Matter of Cole Smart, O.D., KSSBEO Case No: 22022-07

In the Matter of Jason Eubank, O.D., Thomas McCarthy, O.D. & Bret Wise, O.D. KSSBEO Case No:2022-08

In the Matter of Michael Hattan, O.D. and Nicholas Mondero, O.D., KSSBEO Case No: 2022-09

In the Matter of Rhiannon Radcliff, O.D., KSSBEO Case No: 2023-02