



Testimony of the National Board of Examiners in Optometry
on the Kentucky Board of Optometric Examiners’
Proposed Amendment to 201 KAR 005:010.

Submitted June 11, 2025

The National Board of Examiners in Optometry® (NBEEO®) submits this written testimony in advance of appearing before the Kentucky Board of Optometric Examiners (KBOE) at its June 20, 2025 Board meeting. For the reasons set forth below, the NBEEO opposes the KBOE’s proposed amendment to the regulation governing applications for initial licensure through examination, 201 KAR 005:010. The proposed amendment would jeopardize patient health by lowering standards and permitting licensure of potentially unqualified optometrists. The proposed amendment is also deficient under the Kentucky Administrative Procedure Act, KRS 13A.030, because dropping the requirement for the NBEEO Part I examination for initial licensure would fail to meet the statutory mandate in Kentucky’s optometry practice act, KRS 320.250, that the KBOE’s approved examinations determine an applicant’s preparedness to exercise the skills needed to practice optometry in Kentucky. Accordingly, the NBEEO respectfully requests that the KBOE withdraw the proposed amendment to the regulation.

About the NBEEO

The NBEEO was established in 1951 by the International Association of Boards of Examiners in Optometry – the precursor of the Association of Regulatory Boards of Optometry (ARBO) – and the Association of Schools and Colleges of Optometry (ASCO) to establish the legitimacy and credibility of the optometry profession. The NBEEO is an independent, 501(c)(3) tax-exempt nonprofit organization. The mission of the NBEEO is to protect the public by developing, administering, scoring, and reporting results of valid examinations that assess competency in optometry.

In optometry in the United States, licenses are granted by State Boards of Optometry, which rely on one unified, national exam series that assesses candidate competency. The rationale for optometric licensing processes given by ARBO is as follows,

“Assembling a quality optometrist population to meet the needs of the public begins with licensure . . . the state ensures all practicing optometrists have appropriate education and training, and they abide by recognized standards of professional conduct while serving their patients . . . Candidates for licensure must also complete a rigorous examination, designed to assess an optometrist’s ability to apply knowledge, concepts and principles

that are important in health and disease and that constitute the basis of safe and effective patient care.”¹

That is, the process of obtaining a license to practice optometry rests upon determining whether a candidate has demonstrated the baseline qualifications of training, knowledge, and assess competencies to enter into independent practice, as in accordance with national professional education accreditation and certification standards. The NBEO assesses candidates for the optometry profession through a three-part licensure exam series. Candidates seeking optometric licensure have up to six attempts to pass each of the NBEO entry-into-the-profession examinations, although most candidates pass each part of the examination series on their first attempt.

The Part I Applied Basic Science (ABS[®]) examination is a multiple-choice, computer-based exam that assesses candidates’ mastery of the underlying foundational biomedical science concepts necessary for entry into independent optometric practice. The tested content areas include Anatomy (gross anatomy of the eye, neuroanatomy, histology, and development), Biochemistry relating to systemic health, Physiology, Immunology, Microbiology, Pathology, Optics (geometrical, physical, ophthalmic, and physiological), and Pharmacology.² The exam is administered in secure, proctored test centers over two four-hour sessions.³ Student candidates are eligible to take the Part I ABS exam beginning in March of the candidate’s third year in a professional optometric degree program that is accredited or has received preliminary approval from the Accreditation Council on Optometric Education (ACOE). Every state in the U.S., as well as the District of Columbia and Puerto Rico, require that applicants for an optometry license pass the NBEO Part I exam.

The Part II Patient Assessment and Management (PAM[®]) examination assesses candidates’ clinical thinking and decision-making with a particularly heavy emphasis on diagnosis and treatment. The Part II PAM exam is also a computer-based, multiple-choice exam, administered in secure, proctored test centers. The exam questions frequently are shown as part of an overall case in which candidates are given clinical information, sometimes including diagnostic images. Items on the exam are targeted to assess entry-level competence. Therefore, cases generally focus on either typical presentation of relatively high frequency conditions or conditions with low frequency but high criticality. The Treatment and Management of Ocular Disease (TMOD[®]) examination can be completed as part of Part II PAM (embedded within the exam) or may be taken as a standalone examination. The TMOD is an image-intensive, case-based format. Each case consists of a patient presentation including demographic data, chief and

¹ See ARBO FAQ, 2021, at <https://www.arbo.org/faq>.

² A full content outline of the Part I ABS exam is available to candidates and the public at https://www.optometry.org/media/Documents/PartI/Part_I_ABS_Discipline-Based_Content_Outline.pdf. These examination content areas map to the curricular content that is required of professional optometric degree programs to earn accreditation from the Accreditation Council on Optometric Education (ACOE). See ACOE Professional Optometric Degree Program Standard 2.7: “Basic science instruction must provide a foundation of knowledge in physical, biomedical, and behavioral sciences essential for the independent practice of contemporary optometry.”

³ The NBEO contracts with Pearson VUE to deliver the Part I and Part II exams at Pearson VUE’s secure test centers; candidates can take the exams at any of the hundreds of Pearson VUE test centers in the U.S. See <https://www.pearsonvue.com/us/en/test-owners/secure.html>.

secondary complaints, personal and family ocular and medical history, and clinical findings with corresponding questions. Every state in the U.S., as well as the District of Columbia and Puerto Rico, require that applicants for an optometry license pass the NBEO Part II exam.

The Part III Patient Encounters and Performance Skills (PEPS®) Examination is the final part of the core NBEO competency testing sequence that addresses case analysis, critical thinking, and essential skills evaluation in a simulated-live patient encounter; it was developed to measure a candidate's ability to apply evidence-based knowledge to patient care. It is administered in the NBEO's state-of-the-art testing facility in Charlotte, North Carolina, the National Center of Clinical Testing in Optometry (NCCTO®), which allows the NBEO to provide the safety, security, and standardization necessary to ensure fairness and validity in a high-stakes testing environment.⁴

NBEO also develops and administers the Injections Skill Examination (ISE®) and the elective Laser and Surgical Procedures Examination (LSPE®). Like the Part III PEPS exam, the ISE and LSPE are delivered at the NCCTO.

Student candidates are eligible to take the Part II PAM/TMOD, Part III PEPS, ISE, and LSPE exams as early as during the candidate's academic year of graduation at an ACOE accredited or preliminarily approved professional optometric degree program.

All NBEO examinations are developed through a rigorous process. First, panels of subject matter experts meet to define the expected knowledge, skills and competencies for entry into independent practice as an optometrist, through conducting a job task analysis. Based on the job task analysis, the NBEO develops the content domains for assessment in the licensure exam series. The NBEO also engages professional psychometricians in developing their exams, to validate the exam design, ensure appropriate development and review of exam items, and to support valid setting of the passing cut scores in accordance with psychometric standards. The NBEO also has developed strong policy guidelines to ensure the process is fair to all applicants and that the tests are secure.

The Proposed Amendment Would Jeopardize Patient Health by Lowering Standards and Permitting Licensure of Unqualified Optometrists

Since January 1995, the KBOE's regulations have required passing scores on Parts I, II, and III of the NBEO exam series for initial licensure as an optometrist in Kentucky for candidates who do not hold an optometry license from another state or who have been practicing for fewer than 5 years. 201 KAR 005:010.⁵ As noted above, these standards are consistent with

⁴ Oklahoma requires O.D. applicants to pass the NBEO Part I, Part II, and TMOD exams, plus the Oklahoma State Board Exam, which includes two written exams (laser and jurisprudence) and two practicals (YAG and SLT). Every other state in the U.S., as well as the District of Columbia and Puerto Rico, require that applicants for an optometry license pass the NBEO Part III exam.

⁵ The minutes of the KBOE's Board meetings reflect that, over the past five years, the KBOE has repeatedly waived the regulation's exam requirements for candidates from the graduating classes of 2020, 2021, 2022, and 2023, without going through the regulatory amendment process, including after the expiration of the Commonwealth's state of emergency during the COVID-19 pandemic.

the qualification standards for the optometry profession across the United States. No U.S. states grant optometry licenses to candidates who have not taken or never passed the NBEO Part I exam. The KBOE's proposed amendment to 201 KAR 005:010, however, would eliminate the requirement that applicants for an optometry license demonstrate baseline competence in the fundamentals of biomedical science and would make Kentucky the only state in the country that does not require that licensed optometrists pass the NBEO Part I exam.

The KBOE's stated justification of the purported "necessity" for the proposed amendment in its Regulatory Impact Analysis and Tiering Statement is that "[p]ost pandemic, there were a number of optometry school students that could not pass the National boards as required in current Kentucky regulation." The observation about pass rates is accurate, but it was both a temporary problem and an indication that the NBEO exams were performing their intended function in identifying candidates who lacked the knowledge and skills to safely and effectively practice optometry. Nationwide, licensure pass rates in many professions dropped for candidates who received part of their training during the pandemic, likely attributable to insufficient preparation arising from the forced move to remote instruction during the pandemic state of emergency. Across professions, this has proved to be a temporary dip, as educational programs have returned to in-person training and as those who received remote training seek out remediation to better prepare for subsequent attempts to pass their licensure exams. This pattern applies to optometry licensing pass rates as well; both first-time and ultimate pass rates nationwide dropped for graduating classes whose training occurred during the pandemic, and those pass rates are increasing again.⁶ To the extent that lower pass rates were a problem, the

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- On September 17, 2020, the KBOE waived the requirement that applicants in the Optometry school graduating classes of 2020 and 2021 pass the NBEO Part III exam, including the ISE, effective Nov. 17, 2020. At the time of this action, the NBEO's Part III testing facility was fully open, after a brief closure earlier in 2020 at the start of the pandemic.
 - On July 18, 2021, the KBOE waived the requirement that applicants in the Optometry school graduating class of 2022 pass Part III of the NBEO Exam, including the ISE.
 - On February 19, 2022, the KBOE waived the requirement that applicants in the Optometry school graduating classes of 2020, 2021, 2022, and 2023 pass Part III of the NBEO Exam, including the ISE.
 - On September 15, 2022, following the expiration of Kentucky's declaration of a state of emergency due to the pandemic, the KBOE reinstated the requirement that 2023 graduates of Optometry schools pass Part III of the NBEO Exam, including the ISE; this action was rescinded, however, at the KBOE's November 4, 2022, Board meeting.
 - On December 11, 2023, the KBOE waived the requirement that applicants in the Optometry school graduating classes of 2020 and 2021 pass Part I of the NBEO Exam and further acted to grant an O.D. license to any applicant from those classes who had failed Part I of the NBEO Exam, provided they fulfilled unspecified additional education requirements.

The minutes of those KBOE meetings do not reflect any evidence on which the KBOE relied in granting those waivers or whether or how the KBOE determined that the waivers were consistent with protection of the public from unqualified practitioners. The NBEO has identified twenty-one individuals who have been granted optometry licenses by the KBOE since 2020 despite failing one or more parts of NBEO's three-exam sequence, often after repeated failed attempts at the exam.

⁶ The October 2019-September 2020 NBEO data showed an ultimate pass rate of 92.2% nationwide on the three-part exams that year. For October 2022-September 2023 (i.e., the candidates whose training was most impacted by the pandemic), the nationwide ultimate pass rate was only 83.59%. By the following year, pass rates had begun to rise. Pass rates also vary by school, with six optometry programs achieving ultimate pass rates above

problem was a temporary one that does not warrant a change that would put Kentucky dramatically out of step with the rest of the country. More significantly, lowering the standards for entry to the profession is not the right response to learning that a cohort of applicants lacked the needed preparation or skills to pass the licensure exams due to the impacts of the pandemic.

Ensuring that optometry applicants can pass an assessment of their knowledge of fundamental biomedical concepts is essential for a profession with a scope of practice that overlaps with the scope of practice of ophthalmologists. As independent eye care providers, optometrists are held to the medical standard of care. Protecting the public from practitioners who have not demonstrated competency must take precedence over easing requirements for entry into the profession; unqualified clinicians can cause permanent vision loss or even death to their patients if they cannot accurately detect and diagnose ocular emergencies and life or sight threatening conditions. Maintaining the current licensure exam standards is especially important for Kentucky, which has one of the broadest scopes of practice for optometrists in the United States. In Kentucky, unlike in some other states, an optometry license authorizes an O.D. to provide glaucoma treatment, prescribe oral medication, prescribe oral steroid treatment, prescribe other controlled substances, and perform minor anterior segment surgical procedures. In addition, licensed optometrists in Kentucky who pass the ISE have injectable agent authority and, with completion of a required course, can perform laser treatment on the eyes.

The KBOE's proposed amendment seeks to mask that dropping the Part I NBEO exam requirement would completely eliminate evaluation of applicants on their baseline competence in the fundamentals of biomedical science, as the amendment specifies that applicants who have failed or never taken the NBEO Part I exam can qualify for licensure by submitting a passing score on the Optometry Examining Board of Canada (OEBC) online exam. This does not remedy the risk to the public of eliminating the NBEO Part I exam, however. The OEBC exam is not equivalent to the NBEO exam because it does not test the foundational biomedical science principles necessary for safe and skilled patient care. This is because the OEBC examination is designed for the much more limited scope of optometric practice in Canada. Optometrists in the U.S., and particularly in Kentucky, perform many medical functions that optometrists in Canada do not, and that Canadian optometrists must refer to an ophthalmologist. A core understanding of anatomy, physiology, pharmacology, etc. is essential for appropriately treating and managing patients, especially as it pertains to the advanced procedures that optometrists in Kentucky are licensed to perform, including laser surgery, small excision surgery, injections, and certain prescription authority. Moreover, the OEBC exam has not been validated for Kentucky's scope of practice.

In addition, the NBEO exams – like other medical profession licensing exams in the U.S. – are administered in secure testing centers. By contrast, the OEBC written exam is administered remotely, which can present ethical and security risks. In fact, a recent study showed that remotely proctored candidates are up to 7 times more likely to be flagged for suspected collusion than in-person proctored candidates.⁷

95% for the October 2023-September 2024 year. See <https://optometriceducation.org/news/national-board-of-examiners-in-optometry-yearly-performance-report/>.

⁷ Becker, Kirk A., Jinghua Liu and Paul E. Jones. "Test Security and the Pandemic: Comparison of Test Center and Online Proctor Delivery Modalities." *Applied Psychological Measurement*, 2024.

No jurisdiction in the U.S. accepts the OEBC exam or any foreign exam for licensure of optometrists. For the KBOE to accept the OEBC exam as a “substitute” for the NBEO Part I exam would be inconsistent with professional standards and would raise serious questions about the psychometric defensibility of the resulting licensure decisions.

The Proposed Amendment is Deficient Under the Kentucky Administrative Procedure Act Because it is Contrary to the Mandates of Kentucky’s Optometry Practice Act

In addition to the substantial policy and patient safety reasons why the proposed amendment should be withdrawn, the KBOE lacks statutory authority to adopt a regulation accepting the Canadian exam in lieu of the NBEO Part I exam. While the KBOE does have legal authority to approve an alternative examination for licensure, that authority is not unlimited. The KBOE is not authorized to select *any* exam it wishes in conferring licensure; its discretion is constrained by statute. KRS 320.250 states that applicants for initial licensure (rather than by endorsement) must successfully pass exams approved by the Board, and that “*the examinations ... shall relate to the skills needed for the practice of optometry in this Commonwealth at the time of the examination and shall seek to determine the applicant's preparedness to exercise these skills.*”

Dropping the requirement for the NBEO Part I examination would fail to meet the statutory mandate that the Board’s examinations determine an applicant’s preparedness to exercise the skills needed to practice optometry in Kentucky. As a result, the proposed regulation is deficient under the Kentucky Administrative Procedure Act. See KRS 13A.030(2)(a) (a proposed administrative regulation is deficient if it “appears to be in conflict with an existing statute”). See also KRS 13A.030 (“An administrative body shall not promulgate administrative regulations ... [o]n any matter that is beyond the statutory authorization of the administrative body to promulgate administrative regulations or that is not clearly authorized by statute; and [t]hat modify or vitiate a statute or its intent....”).

The proposed amendment is deficient because the Canadian exam does not validly and reliably assess the competencies required for the scope of practice defined under Kentucky law and was not designed to do so, given the much narrower scope of practice of optometrists in Canada. The KBOE does not have the statutory authority under the optometry practice act to amend the licensure regulation to permit an optometry applicant to substitute an exam such as an opticianry exam or, for that matter, a certified public accountant certification exam. Similarly, its statutory authority does not permit it to accept the Canadian exam, which is not designed to test those critical content areas for the practice of optometry in Kentucky, as a substitute for the NBEO Part I exam.

For all of these reasons, the NBEO urges the KBOE to exercise its authority under KRS 13A.310(4) to withdraw the proposed amended regulation.

Respectfully Submitted by

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