

February 2017 Newsletter

Message From the President:

As President of the Kansas State Board of Examiners in Optometry, I'd like to take a minute to fill you in on some common issues that have been coming across our desk lately. While I cannot comment on any specific cases, there seems to be some common themes that are occurring.

We would like to remind each optometrist practicing in Kansas that your mode of practice and any optometric business arrangements that you enter in are affected and governed by the Kansas Optometry Act as well as the Kansas professional entity laws. In short, who a licensee practices with or is employed by is limited by the Optometry Act (K.S.A. 65-1522). These laws are meant to protect the public by ensuring that a doctor's professional judgment is not influenced, either directly or indirectly, by an out-of-state or other non-licensed entity. The Board's regulations define several arrangements that are deemed to allow a non-licensed person/entity to exert undue influence over a licensee's professional judgment. (K.A.R. 65-4-5). As you enter into business agreements, please consider not only is it a good business deal,

but also is the arrangement in compliance with state law.

Secondly, we would like to remind our licensees that the Kansas Optometry Act specifically lists the minimum standards for ophthalmic services (K.A.R. 65-8-1). If a mode of practice does not allow you to perform these standards, then that mode of practice would violate the Optometry Act. These minimum standards must also, per K.A.R. 65-8-1, be performed by the licensee. In other words, if the licensee used or relied upon an unlicensed person or an internet based entity to perform those minimum standard examination procedures for the licensee's patient, then the licensee would not be in compliance with Kansas law (K.S.A. 65-1508(b)).

Additionally, we would like to remind each optometrist that the use of trade names without approval by the Board is forbidden (K.A.R. 65-9-1 to K.A.R. 65-9-5).

Finally, we would like to remind each optometrist that he or she is responsible for any advertising which is designed to benefit the licensee, directly or indirectly, whether or not the licensee authored it or caused it to be published (K.A.R. 65-11-1).

I would encourage each of you to review the law. A copy of it is available on the Board's website: www.kssbeo.ks.gov. Our Board's charge is to protect the public by ensuring that the law is followed. **Ron Hansen, OD, KSSBEO President**

Meet the New Board Member:

Gary Slimmer grew up on a farm and graduated from Holton High School. He served in the U. S. Air Force for 4 years and flew on the B-52 Bomber. He graduated from Washburn Univ. with a Bachelor's Degree in Education and a Master's in Education Administration. He has taught and served as an elementary principal in public schools.

Mr. Slimmer was also a central office education administrator for SRS. He served as vice-chairman of the Governor's Commission on Autism for six years. He has been active in several community organizations and is currently the president of the Kansas Association of Retired School Personnel Foundation Board.

Mr. Slimmer is married to a retired elementary teacher and has two children and six grandchildren.

Board Basics

Before becoming a member, I did not understand the Board of Optometry very well and it soon became obvious that I was not alone. To answer some of the questions that I have been asked over the last two years, I decided that reviewing the basics

would be helpful for everyone. To start with, what is the Board and what does it do? The best answer comes from the Governor's 2017 Budget Review and while short, there is a lot to absorb because below is everything that you need to know about the KSSBEO.

The mission of the Kansas Board of Examiners in Optometry is to administer and enforce the provisions of Kansas Optometry Law so that the highest quality of eye health and vision care is provided to the citizens of Kansas.

The stated philosophy of the Kansas Board of Examiners in Optometry is that it will carry out its mission with the highest standards of ethics, accountability, efficiency, and openness. The Board further states that through vigorous enforcement of the law, it can ensure that qualified optometric practitioners provide the public with the highest quality of comprehensive eye health and vision care that is available to the citizens of Kansas.

The agency is governed by a five-member Board appointed by the Governor. Board members serve three-year terms and can be reappointed for up to three successive terms. KSA 74-1501 requires selection of four members of the Board after consideration of a list of four or more nominees submitted by the Kansas Optometric Association. One member is a representative of the general public and the remaining four board members must have been engaged in active practice of Optometry in Kansas for five years.

The Board performs its functions through a single budgeted program, the Administration and Regulation Program. Its functions include licensing and registration of all practicing optometrists in Kansas, testing new applicants by written and practical examination, and providing license verification to the public, primarily health insurance companies. From January 1 until May 31 of each year, the Board reviews the licenses of all optometrists. Each year, optometrists are required to acquire 24 hours of continuing education. The Board is empowered to suspend or revoke licenses, privately or publicly censure, or levy fines for improper practices.

The Board has the responsibility of administering a state licensing examination to new optometrists. In addition to passing the exam administered by the Board, an individual must be of good moral character and must have graduated from an accredited school or college of optometry to qualify as an optometrist in the State of Kansas.

Many out of state optometrists are surprised to learn that Kansas has its own licensing examination while most states do not. The reason is in the first sentence, the Board's mission is to ensure that "...the highest quality of eye health and vision care is provided to the citizens of Kansas." That one sentence explains the reasoning behind the majority of the Board's actions. The Board also performs a background check on all license applicants. The reason for that is found in the last paragraph; good moral character is a qualification for taking the examination. You may not realize this, but every license is audited at every renewal, i.e.

the audit rate is 100%. Why? That answer is in the fourth paragraph, "...the Board reviews the license of all optometrists" and "all" means all.

Becoming a Board member has helped me to understand the reasoning behind these things, but you should not have to become a member to learn this lesson. Just remember that the Kansas legislature has written a well-defined optometry act and that is the key to what the Board is and what it does. Be glad that you practice in a state with this; it is better to have a well-defined act than one that is not. **Gerard Lozada, O.D.**

KSSBEO Vice President

Email Address

Be sure to keep your email address updated. The Board only sends out electronic renewal notices. The Board will only mail you **AFTER** the expiration date of your license if you have not renewed. But by that time, your renewal fee has increased by \$500 to \$950 for two years.

Add KSSBEO@ks.gov to your email contact list. This will ensure that you will receive all the Board's emails.

When you do update your email address online, please email the Board office at kssbeo@ks.gov to ensure that you keep receiving the emails from the Board.

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KSSBEO is now on [Facebook](#).

Trade Names:

If you are practicing under any name other than your own, followed by OD or Optometrist, you are practicing under a trade name. Trade names must be approved by the board.

A few other reminders about trade names:

1. They are non-transferable. If you purchase a practice and want to use the same name, you must obtain Board approval.
2. They are location specific – if you add locations or change locations, you must obtain Board approval.
3. If you do not use the trade name for six months, you must get it reapproved.

Be sure to check the Approved and Disapproved Trade Name lists on the Board's website prior to submitting a trade name for approval.

For the complete regulations concerning trade names, please refer to K.A.R. 65-9-1 to 65-9-5.

Updating your Record Online

Per K.S.A. 65-1509, you are required to notify the Board in writing any changes in location or practice. You can now do that [online](#) or you can always mail/fax/email the updated information to the Board office.

This should be done every time there is a change not just during renewals. You should also keep your malpractice insurance updated as well.

The Board office does get inquiries from patients looking for their optometrists. We cannot help them if our information is not up to date.

Be sure to list all ODs that are at your practice location. If you need license numbers of your co-workers to complete, please contact the Board office.

Non-COPE Continuing Education

You just ran your OETracker report from ARBO and you see *Non-COPE* CE. You panic – Do you not get credit for those hours? The answer is yes. KSSBEO has been assigning KS ID's to all non-COPE CE that they approve. ARBO will not enter any non-COPE CE unless it has been assigned an ID from KSSBEO. This ID consists of the year, followed by a number, followed by a two letter category code – GO, PH, or PM. (KS2016-14-PH for example)

Continuing Education

You are required to have 24 hours of CE each year. The year runs June 1st – May 31st. If you attend a conference at year end – the hours that you earn on May 31st will count towards the current year and the hours earned after June 1st will count towards the following year.

If you subscribe to the OETracker, ARBO will enter your CE into the tracker for you. Once the hours are entered into the OETracker, they will automatically be downloaded into the Board's database. If all your hours are in the OETracker, then at renewal time you will not need to submit any certificates to the Board office.

The Board office does not accept certificates until renewals begin in March and then only for those renewing in the current year.

The Board has updated the CE regulations K.A.R. 65-5-6: You can now have up to 4 hours of practice management each year. You can now have up to 4 hours of ophthalmic surgery observation, in addition to the minimum of 5 hours of pharmacology. A lot of the COPE categories will be translated over to pharmacology. For the crosswalk of COPE categories to Kansas Categories, please visit our [website](#).

Disciplinary Actions in 2016

The license of Jason Pingel, OD of Mission, KS was disciplined by the Board for use of an unauthorized trade name.

Licenses Retired and Expired

Licenses retired in 2016

Eric P Kitchen
Thomas R Shelor
Jon D Thayer, Jr
William D Vietti

Licenses expired 2016

James M Gentry
Kyle D Johnson
Jessica Kellerman
Aaron S Law
Jerry L Leopold
Erica A Musgrove
Sheena T Nagaraja
Gary P Nickel
Deanna J Powell
Matthew L Scott
Emily R Topi