



Board of Examiners in Optometry

February 2020 Newsletter

Sale of Contact Lenses and Eyeglasses Without a Valid Prescription

KSSBEO filed a complaint, in Johnson County Court, regarding the sale of contact lenses without a prescription at Urban Beauty Supply in Lenexa, Kansas. Since this business was a multiple time offender, a Permanent Restraining Order was issued and, should the sale of contact lenses without a prescription continue, the court may impose additional civil penalties.

KSSBEO reached an out of court agreement with Shawnee Optix, in Johnson County, and per the agreement, the business is to use only unexpired eyeglass prescriptions. Should Shawnee Optix be found to be using expired eye glass prescriptions, the agreement between KSSBEO and the business will be invalidated.

Another business, A 'n G Jewelry in Wyandotte County, was also found to be selling contact lenses without a prescription. Since this was a first offense, KSSBEO's attorneys sent a letter regarding the status of the law to the business.

Several complaints have been filed by KSSBEO to the Kansas State Board of Healing Arts (KSBHA) regarding out of state MDs signing online contact lens prescriptions for Kansas residents. Two of the MDs were signing prescriptions for Opternative, but since the company's product was removed from the market by the FDA in August 2019, their cases are no longer considered active. A complaint regarding a third MD signing online contact lens prescriptions for a different company continues to be active.

Please report the sale of contact lenses without a prescription to the Kansas State Board of Healing Arts and NOT to KSSBEO. The board does not have jurisdiction in these matters and sending them to the board cannot result in an action being taken; even KSSBEO must file complaints to KSBHA. Sending an anonymous complaint to either agency is also ineffective and results in no action being possible.

K-TRACS

K-TRACS is an online tool that enables providers to access their patient's prescriptive history within the past two years. This tool supports safe prescribing and dispensing of Schedules II-V controlled substances. Utilization of K-TRACS can increase the quality of patient care by giving prescribers and dispensers access to a patient's controlled substance prescription medication history, which will alert medical professionals to potential dangers for purposes of making treatment determinations.

For additional information on how to utilize K-TRACS, please visit the K-TRACS website:

<https://pharmacy.ks.gov/k-tracs-responsive/home>

K-TRACS is partially funded by the Pharmacy, Healing Arts, Nursing, Dental, and Optometry Boards.

Online Driver's License Renewals

In 2018, Kansas Department of Revenue (KDOR) began offering online driver's license renewals. One of the requirements to complete the online renewal is to have had a vision test in the last 12 months in Kansas. KDOR confirms with the optometrist or ophthalmologist selected that the applicant has had a vision test by emailing the doctor. If KDOR does not receive a reply within 4 days, they assume that the information is correct and will issue the license. The Board forwards an email list to KDOR monthly. The email address that is listed in the Board's licensing database is the one that is given to KDOR. This email address can be a generic office email and you can also have multiple email addresses. The emails from KDOR cannot be forwarded. If you have switched offices and do not have access to former patient files, please list two email addresses – one for your former practice and one for your current practice.

According to KDOR, in 2019, 4,553 online renewals were processed. There were 642 applications that were denied. That list includes those that renewed in the office after submitting an application, those that failed to see the optometrist within 365 days of their application, and those whose license status was suspended in another state.

ABO CAP CE

If you are required by the American Board of Optometry (ABO) to take Continuous Assessment Program (CAP) continuing education (CE), you can now count two hours per each assessment towards your CE requirements. ABO CAP CE would count as non-live CE; non-live CE is limited to eight hours per year.

To receive the two hour credit, you must submit the certificate directly to the Board office. Those can be emailed to kssbeo@ks.gov. The Board office will then forward the certificates to ARBO.

Please note that these are the *only* CE certificates that should be sent to the Board office. All other CE certificates should be sent directly to ARBO.

Trade Names

The Board would like to remind all licensees of the following regulations regarding the use of trade names:

You will need additional Board approval for your trade name if you move or add locations. (K.A.R. 65-9-2 (c)).

Board approval is required to transfer a trade name to another person. (K.A.R. 65-9-4 (a))

You also need to notify the Board in writing all the licensees who will practice under that name, and within 30 days if there is a change in the licensees practicing under that name (K.A.R. 65-9-5 (1), (2))

Maintaining an Office

If you have an office that has an optical dispensing business, be sure to follow K.A.R. 65-10-3:

Licensee ownership of franchised business of optical dispensing. (a) If a licensee obtains any beneficial interest in a franchise or equivalent relationship to engage in the business of marketing ophthalmic goods or contact lenses, all operations of that franchise or equivalent relationship shall be separate and apart from any and all offices or locations at which the licensee, or any entity in which the licensee has a beneficial interest, provides optometric services.

(b) For the purposes of this section, "separate and apart" shall include:

(1) being physically separated; and

(2) the totally independent functioning of the franchise business of optical dispensing and any optometric office or practice location. (Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. 1991 Supp. 65-1502; effective May 18, 1992.)

Advertising

The Board would also like to remind everyone that you are responsible for any advertising for you or your practice, whether you authorized it or not. (K.A.R. 65-11-1). You should also be cautious of any advertising that implies you are associated with any other non-licensed business. (K.A.R. 65-11-3)

Licenses Retired and Expired

Licenses retired in 2019:

Ryan J Broyles
Christopher M Connor
Michael J Duffy
Aisha J Fields
Brian P Garrett
Darin L Hopkins
Gloria M Hopkins
Charles W Kissling
Thomas E Leonard
Thomas A Lutz
Gail H McPeak
Roger G Newth
C. Ellis Potter
Jeffrey A Smith
Thomas M White

Licenses expired in 2019

Gregory F Copeland
Adriana M Ferreira
Daniel R Novack
Kelli M Regier
Sherry L Shepherd
Jamie L Weiser
Richard C Wilson