

Kansas Administrative Regulations

Board of Examiners in Optometry

Article 4.—General Provisions

65-4-5. Professional judgment.

(a) No licensee shall allow any unlicensed person to:

(1) interfere with the licensee's professional judgment; or

(2) control, directly or indirectly, the licensee's professional judgment or practice.

(b) A licensee shall be deemed to have allowed an unlicensed person to improperly interfere with the licensee's professional judgment or control, directly or indirectly, the licensee's professional judgment or practice if the licensee enters into any agreement, arrangement or affiliation with any unlicensed person, other than those which occur as part of a practice authorized by the Kansas professional corporation act or through the lawful functioning of a professional partnership or association with other health care providers, which:

(1) provides for the referral of patients between the licensee and the unlicensed person or entity;

(2) provides for any type of compensation, rebate, commission or remuneration for the referral of patients between the licensee and the unlicensed person or entity;

(3) establishes quotas for the number of examinations performed or prescriptions written by a licensee;

(4) bases any type of compensation, rebate, commission or remuneration to a licensee based on the number of examinations performed or prescriptions written by the licensee;

(5) results in a practice situation which would indicate or imply that:

(A) the unlicensed person is engaged in or maintains an office for the practice of optometry; or

(B) the licensee's practice is being carried on as part of or in association with the business enterprise of the unlicensed person;

(6) prevents all patient prescription files and all records pertaining to the practice of optometry from being the sole property of the licensee and free from involvement with any unlicensed person, firm or corporation;

(7) permits an unlicensed person to directly or indirectly affect:

(A) the nature, scheduling, pricing or manner of performing optometric services;

(B) the licensee's decisions relating to advertising, patient records or patient communications regarding optometric services or ophthalmic goods.

(8) in the judgment of the board, otherwise constitutes improper interference.

(c) Non-profit benevolent referral services shall not be deemed to be improper interference.

(Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. 1991 Supp. 65-1516; effective May 18, 1992.)

***** Authenticated Kansas Administrative Regulation *****