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**KBOE ADVISORY OPINION 2025-002**

May 6, 2025

Question: “[Is the] injection of medication...into [the] Tenon’s Capsule [included within a Kentucky-licensed optometrist’s scope of practice]?”

Answer: Yes, the injection of medically necessary and/or appropriate medication into the Tenon’s Capsule is within a Kentucky-licensed optometrist’s scope of practice.

Statute(s) construed: KRS 320.210(2)

Legal authority: KRS 320.240(7); Ky. OAG 24-10

*Legal Basis for Opinion of the Kentucky Board of Optometric Examiners*

Pursuant to KRS 320.240(7),<sup>1</sup> the Kentucky Board of Optometric Examiners (“KBOE”) “shall have the sole authority to determine what constitutes the practice of optometry...” This exclusive statutory authority has been further scrutinized by Kentucky’s Office of the Attorney General (“AG”), which has confirmed that the KBOE “has the sole authority to determine what constitutes the practice of optometry, constrained only by statutory limitations.” See OAG 24-10.<sup>2</sup>

KRS 320.240(7) also expressly authorizes the KBOE to “issue advisory opinions...related to [KRS] chapter [320].” This Advisory Opinion is therefore being issued in response to the following inquiry, which was recently submitted to the KBOE:

“[Is the] injection of medication...into [the] Tenon’s Capsule [included within a Kentucky-licensed optometrist’s scope of practice]?”

*Opinion of the Kentucky Board of Optometric Examiners*

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<sup>1</sup> Attached hereto as Exhibit A.

<sup>2</sup> Attached hereto as Exhibit B.

Based on the KBOE's analysis and assessment, the injection of medically necessary and/or appropriate medication into the Tenon's Capsule is within a Kentucky-licensed optometrist's scope of practice. Although the KBOE acknowledges that it is "constrained...by statutory limitations [of KRS Chapter 320]"—as the AG noted in OAG 24-10—an examination of that Chapter's plain language reveals that the above-referenced practice does not fall within any of its prohibitions.

Those prohibitions have been specifically itemized in KRS 320.210(2)(b).<sup>3</sup> While the General Assembly has explicitly excluded "laser or nonlaser injection into the posterior chamber of the eye to treat any macular or retinal disease,"<sup>4</sup> from the practice of optometry, that exclusion does not apply to injections into the Tenon's Capsule—which is separate and distinct from the posterior chamber of the eye—and it is the only statutory exclusion in which injections are mentioned.

Although the Tenon's Capsule and the posterior chamber are both structures within the eye, they are independent from one another. Indeed, the Tenon's Capsule is a connective tissue layer that surrounds the extraocular muscles, while the posterior chamber is a space within the eye located between the iris and the lens. In addition, an examination of the remaining exclusions set out in KRS 320.210(2)(b) reveals that injections into the eye are otherwise unaddressed.

In sum, the injection of medically necessary and/or appropriate medication into the Tenon's Capsule falls within the basic statutory scope of the "practice of optometry," which KRS 320.210(2)(a) defines as the "evaluation, diagnosis, prevention, or surgical, nonsurgical, or related treatment of diseases, disorders, or conditions of the eye and its appendages..." Moreover, because such injections do not fall within any of the specific statutory exclusions listed in KRS 320.210(2)(b)—and because KRS 320.240(7) and Ky. OAG 24-10 unequivocally confirm that the KBOE "has the sole authority to determine what constitutes the practice of optometry, constrained only by statutory limitations"—the KBOE hereby advises that the injection of medically necessary and/or appropriate medication into the Tenon's Capsule is within a Kentucky-licensed optometrist's scope of practice.

  
Joe E. Ellis, OD

President, Kentucky Board of Optometric Examiners  
May 6, 2025

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<sup>3</sup> Attached hereto as Exhibit C.

<sup>4</sup> KRS 320.210(2)(b)16.