

Filed

TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRY

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SERIES 1
RULES OF THE WEST VIRGINIA BOARD OF OPTOMETRY

OFFICE OF THE CLERK
WEST VIRGINIA STATE

§14-1-1. General.

1.1. Scope. -- This rule establishes the operation of the West Virginia Board of Optometry and the requirements, procedures and responsibilities for licensure as an optometrist.

1.2. Authority. -- W. Va. Code §30-8-1 et. seq.

1.3. Filing Date. -- August 12, 2011.

1.4. Effective Date. -- August 15, 2011.

§14-1-2. Definitions.

2.1. "Applicant" means any person making application for a license or permit under the provisions of W. Va. Code §30-8-1 et. seq. and the W.Va. Code of Rules, §14-1, et. seq.

2.2. "Board" means the West Virginia Board of Optometry.

2.3. "License" means a license to practice optometry.

2.4. "Licensee" means an optometrist licensed under the provisions of W. Va. Code §30-8-1 et. seq. and the provisions of the W.Va. Code of Rules, §14-1, et. seq.

2.5. "Temporary permit" or "permit" means a permit issued to a person who has graduated from an accredited optometry school, has taken all parts of the prescribed National Board Examination and is awaiting results of the examination.

2.6. "National Board Examination" means the prescribed national examination in optometry composed and administered by the National Board of Examiners in Optometry.

2.7. "Interview" means a formal discussion with the Board to require the applicant to demonstrate a thorough knowledge of those subject areas necessary to ensure the safe practice of optometry within the bounds of W. Va. Code §30-8-1, et. seq. and the provisions of the rules of the Board listed in the W.Va. Code of Rules, §14-1, et. seq.

2.8. "Accredited Optometry School" means a school accredited by the Accreditation Council on Optometric Education or its successor recognized by the U.S. Department of Education.

§14-1-3. Application Examination and Interview.

3.1. Before any person may sit for the interview he or she shall submit a written application on the Board's application form, which will be supplied by the Board or its designee. The application shall require the following the applicant name, address, date and place of birth, citizenship and a detailed history of his or her educational qualifications, showing the name, the place where and the length of time which the applicant attended pre-optometry and optometry schools. The applicant shall also state in the application whether he or she has taken any other State Board examinations and the results of the examinations and whether or not he or she has actively engaged in practice of optometry in any other state. With the application he or she shall include two (2) current photographs of himself or herself, not to exceed two (2) inches by two (2) inches in size.

3.2. In the application the applicant shall state that he or she shall abide by the laws of this State regulating the practice of optometry and by the rules adopted by the Board.

3.3. The application shall be subscribed and sworn by the applicant. His or her signature shall be witnessed and notarized by a notary public.

3.4. The Board shall deny the right to sit for the interview to any person furnishing false information in the application, or if the applicant has been licensed before it is made known to the Board of the falseness of the information, the license is subject to suspension, revocation or cancellation.

3.5. Certified transcripts from pre-optometry and optometry colleges attended by the applicant shall accompany each application. The certified transcripts of record shall show the total number of hours of attendance, the subjects studied, the grades given and the date of graduation.

3.6. Passing all parts of the National Board Examination is to be confirmed by receipt of a passing grade report from the National Board of Examiners in Optometry's office and submitted with the application.

3.7. The applicant shall file the completed application and application fee with the Board or its designee no later than thirty (30) days prior to the first day of the interview dates. The completed application, records and fees are to be mailed to the Board or its designee in one (1) parcel and all transcripts are to be left sealed.

3.8. The fee for the application shall be determined by the Board's rule, Schedule of Fees, W.Va. Code of Rules, §14-5.

§14-1-4. Rules For the Interview.

4.1. The Board shall conduct interviews for a license as specified in series 6.

§14-1-5. Colleges Of Optometry.

5.1. A college of optometry, to be approved by the Board, shall maintain high scholastic and professional standards and be accredited by the Accreditation Council on Optometric Education (ACOE) or its successor.

5.2. The Board shall keep an up-to-date list of all Colleges of Optometry approved by the Board, and make the list available upon request.

§14-1-6. Licenses.

6.1. When an applicant is interviewed by the Board and found qualified to practice the profession of optometry in this State he or she shall be notified by letter by the Board or its designee. In this letter the Board or its designee shall also advise the applicant of the required certificate fee and the annual renewal fee. If the applicant fails to pay the required fees within ninety (90) days, his or her records shall be so marked and he or she shall not be listed as a licensed optometrist in this State. The Board or its designee shall make every effort to locate the applicant and shall send a registered letter with receipt requested to the address given by the applicant.

6.2. The Board shall issue a license to practice the profession of optometry in this State to any person who, successfully completes the interview and meets the requirements of the Board, or is approved by reciprocity. The fee for issuing this license is to be paid by check or money order made payable to the West Virginia Board of Optometry.

6.3. The Board shall issue a license to include the licensee's name in full, a license registration number, the Board seal, the effective date of the certificate and the signatures of the Board members. One photograph shall be affixed to the large certificate and one shall remain in the permanent file.

§14-1-7. Renewals.

7.1. A licensee who desires to continue in active practice shall annually, on or before the first day of July, renew his or her license and pay an annual renewal fee and maintain proof of acquisition of all required continuing education hours for audit.

7.2. Renewal fees shall be paid by

check, money order or credit card made payable to the West Virginia Board of Optometry.

7.3. Upon receipt of the renewal fee the Board or its designee shall issue a renewal license card bearing the number of the license, the year for which renewed and any other information the Board considers necessary.

7.4. It is the responsibility of each licensee to make timely application for license renewal and complete the process properly, to retain the required continuing education documentation and to pay the fees required. Any information or reminders which the Board may issue are courtesies and shall not diminish the responsibilities of the licensee.

7.5. Every optometrist shall display his or her renewal certificate in a conspicuous place in the principal office where he or she practices optometry. If an optometrist practices his or her profession in more than one (1) office (branch office) he or she shall have an additional renewal card for each office, obtained upon request to the Board. Every optometrist shall notify the Board of any branch office and its address.

§14-1-8. Delinquent and Expired License Requirements.

8.1. If a license is not renewed when due, then the Board shall automatically place the licensee on delinquent status. A licensee on delinquent status may not practice optometry in this state.

8.2. The fee for a person on delinquent status shall increase at a rate, determined by the Board, for each month or fraction thereof that the renewal fee is not paid, up to a maximum of thirty-six months.

8.3. Within thirty-six months of being placed on delinquent status, if a licensee wants to return to active practice, he or she must complete all the continuing education requirements and pay all the applicable fees as set by rule.

8.4. After thirty-six months of being placed on delinquent status, a license is automatically placed on expired status and cannot be renewed. A person whose license has expired must reapply for a new license.

§14-1-9. Unlawful Use of The Prefix "Doctor" or "Dr."

9.1. Under the West Virginia Code §61-10-21 it is unlawful for any person to use the prefix "Doctor" or "Dr." in connection with his or her name in any letter, postcard, advertisement, sign or public display of any nature whatsoever, without affixing thereto suitable words or letters designating the degree which he or she holds.

§14-1-10. Temporary Permit.

10.1. The Board may issue a temporary permit to practice optometry to an applicant who has graduated from an optometry school accredited by the Accreditation Council on Optometric Education or its successor, has taken and passed Parts I and II of the National Board Examination on the practice of optometry which is prepared, administered and graded by the National Board of Examiners in Optometry or its successor and has taken Part III of the National Board Exam and is awaiting results of Part III. The applicant shall also meet the requirements of subsections 10.2 – 10.3.1 and pay the temporary permit fee required in the Board's rule, Schedule of Fees, W.Va. Code of Rules, §14-5. The temporary permit may be issued prior to the applicant's taking and the prescribed exam.

10.2. A printed copy of the passing score notification of Part I and Part II of the National Board examination administered by the National Board of Examiners in Optometry or its successor and a printed copy of the online registration verification for Part III of the National Board exam or its successor shall be submitted with the application for a temporary permit.

10.3. A letter from an active licensee who has agreed to supervise the applicant shall be submitted with the application for a temporary

permit.

10.3.1. The active licensee shall submit the prescribed form for proof of malpractice insurance in the amount of not less than One Million Dollars (\$1,000,000) per occurrence and not less than Three Million Dollars (\$3,000,000) aggregate coverage. The active licensee shall ensure that the permittee will be covered by this insurance.

10.4. If the permittee receives a passing score on all parts of the National Board Examination, a temporary permit expires thirty (30) days after the permittee receives the results of the National Board Examination.

10.5. If the permittee receives a failing score on Part III of the National Board Examination, the temporary permit expires immediately.

10.6. An applicant under this subsection may only be issued one temporary permit. Upon the expiration of a temporary permit, a person may not practice as an optometrist until he or she is fully licensed under the provisions of §30-8-1 et seq. In no event may a permittee practice on a temporary permit beyond a period of ninety (90) consecutive days.

10.7. A Temporary permittee under this rule shall work under the on-site supervision of an active licensee. Patient charts written by the permittee shall be cosigned by the active licensee supervisor within 48 hours.

§14-1-11. Special Volunteer License.

11.1. A Special Volunteer License shall be issued by the Board using the provisions listed in W. Va. Code §30-8-16.

11.2. The applicant for a special volunteer license must submit the prescribed application.

11.3. The applicant for a special volunteer license shall provide proof of completion of the required continuing education hours listed in the Board's rule, W.Va. Code of Rules, §14-10.

11.4. The applicant shall submit the written agreement between the applicant and the clinic stating that the optometrist will provide voluntary uncompensated optometric services under the control of the clinic to patients of the clinic. Such agreement shall state that the clinic will provide liability coverage for the applicant in the amount of not less than One Million Dollars (\$1,000,000) per occurrence.

§14-1-12. Inactive License.

12.1. An active licensee who is not practicing, and who has no disciplinary action pending against his or her license may request an inactive license.

12.2. A licensee who does not want to continue an active practice shall notify the board in writing and be granted inactive status.

12.3. A person granted inactive status is not subject to the payment of any fee and may not practice optometry in this state.

12.4. When the person wants to return to the practice of optometry, the person shall submit an application for renewal along with all applicable fees as set by rule.

12.6. The Board may require, after the interview, remedial education and/or examination passage prior to active licensure reinstatement.

12.7. Any inactive license shall be reactivated at the highest level of licensure. The inactive licensee shall submit to all requirements for the highest level of licensure prior to reactivation.