

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #4 ■

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SEP 21 11 15 AM '00

OFFICE OF THE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: West Virginia Board of Optometry TITLE NUMBER: 14

CITE AUTHORITY: H. B. 4062

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Rules of the West Virginia Board of  
Optometry

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Edward L. Hilton Hager, OD  
Authorized Signature

\$3.20

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SEP 21 11 13 AM '00

14-1-0

OFFICE OF THE WEST VIRGINIA  
SECRETARY OF STATE

**\*10 TITLE 14  
LEGISLATIVE RULES  
WEST VIRGINIA BOARD OF OPTOMETRY**

**\*10 SERIES 1  
RULES OF THE WEST VIRGINIA  
BOARD OF OPTOMETRY**

14-1-1.

**\*09 Section 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 Chapter 30-8-1 et seq.
- 1.3 Filing Date.—
- 1.4 Effective Date.—

14-1-2.

**\*09 Section 2. Applications And Examinations.**

2.1. Before any person shall be permitted to take the examination for a license to practice optometry in this State he/she shall submit a written application on the Board's application form, which will be supplied by the secretary of the Board upon request, setting forth his/her name, address, date and place of birth, citizenship, and a detailed history of his/her educational qualifications, showing the name, the place where and the length of time which the applicant attended schools. The applicant shall also state in the application whether he has taken any other State Board examinations and the results of the examinations and whether or not he/she has actively engaged in practice of optometry in any other state. With the application he/she shall include two (2) current photographs of himself or herself, not to exceed 2 inches by 2 inches in size.

2.2. The application shall contain signatures of three (3) individuals who attest to the good moral character of the applicant and in addition to these signatures a letter from each of these individuals shall accompany the application form. Each signature on the application form shall be sworn to before any officer legally qualified to administer oaths.

2.3. In the application the applicant shall state that he/she will abide by the laws of the State regulating the practice of optometry and by the Rules and Regulations adopted, or which hereafter be adopted, by the Board.

2.4. The application shall be subscribed by the applicant and sworn by him or her before any officer legally qualified to administer oaths.

The Board shall deny any person furnishing false information in the application the right to take the examination, 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.

2.5. A certification of graduation from a high school, or its equivalent, and certified copies or the transcripts of records for pre-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.

2.6. Any person furnishing false information in the application to the Board shall be denied the right to take the examination, 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.

2.7. The applicant shall file the completed application and the examination fee with the secretary of the Board not later than ten (10) days prior to the first day of the examination dates. However, it is recommended that applications be in the hands of the secretary thirty (30) days prior to the examination dates to facilitate processing time and assurance of permission of the applicant to take the examinations. In the event an applicant intends to retake the examination, the fee (if applicable) and the notice of his/her intention to retake the examination shall also be in the secretary's office ten (10) days prior to the examination dates. The completed application, records and fees are to be mailed to the secretary in one (1) parcel and all transcripts are to be left unsealed.

2.8. The fee for taking the examination is fifty dollars (\$50.00). An applicant failing to pass an examination satisfactory to the Board is, at either the first or second succeeding examination conducted by the Board, entitled to a reexamination with further cost, but one (1) the reexamination shall exhaust his/her privilege under his/her original application.

2.9. If an application has been received by the secretary and the records processed for applicant's qualification to take the examination and if an examination has been prepared, failure of the applicant to appear constitutes the same as taking the examination but without grades. The applicant is entitled to take a second examination at no cost. This section does not apply if an applicant has notified the secretary of his/her inability to appear for examination due to acceptable extenuating circumstances.

#### **14-1-3.**

#### **\*09 Section 3. Rules For Examination.**

3.1. Examination for a license to practice optometry in this State shall be conducted by the Board in writing and by such other means as the Board shall determine adequate to ascertain the qualifications of the applicant. All applicants examined at the same time shall be given the same written examination. Each applicant shall be given due notice of the date and place of the examination and advised that his/her records have been received and are complete. If his/her records are incomplete he/she will be advised as to what records are missing or improper.

- 3.2. Prior to an examination the secretary of the Board or a member of the Board designated by the president, if the secretary is absent, shall prepare a tentative schedule showing the time allotted to each subject and the order in which they will be given. The schedule shall meet the approval of a majority of the members of the Board. This approved schedule shall be made available to the applicants taking the examination. All applicants taking the examination shall be cautioned to use good English and write in a legible manner.
- 3.3. The examination shall be divided into six written parts. Each member of the Board shall be given one or more subjects to prepare for each examination and the questions for these subjects are to be submitted to the secretary at least thirty (30) days prior to the examination. The secretary or his/her appointed representative shall then have all subjects prepared for the examination. A passing grade for Part I, II, TMOD (prior to 1996) and Part III of the National Boards in Optometry shall be a requirement to sit for the Board examination. Score sheets shall be sent to the Board office directly from the National Board office. Applicants shall be given written examinations in whatever the Board considers necessary. The applicant shall be given an oral examination during the period of the personal interview. The applicant must pass each examination with a minimum grade of seventy-five (75%).
- 3.4. When examination papers are delivered to the secretary or presiding examiner they become the property of the Board and shall not be returned to the applicant or delivered to any other person. Each Board member is custodian of his/her own examination papers, which must be preserved for a period of thirty (30) days after final grading and results announced to the applicant.
- 3.5. At the directions of the president, the secretary or his/her appointed representative may conduct the examination without a quorum of the Board being present.

**14-1-4**

**09 Section 4. Colleges of Optometry**

- 4.1. A college of optometry, to be accepted by the Board, shall have been approved by the Council on Education of the American Optometric Association.
- 4.2. No College of Optometry shall be accepted by the Board unless the college requires at least two (2) years of pre-optometry work at the college or university level and at least three (3) years work in the College of Optometry, or at least one (1) year pre-optometry work at the college or university level and at least four (4) years work in the College of Optometry.
- 4.3. The secretary shall keep an up-to-date list of all Colleges of Optometry accepted by the Board, and make the list available to anyone requesting it.

14-1-5

**09 Section 5. Licenses.**

- 5.1. Any person who passes the examination and meets the requirements of the Board shall be issued a license to practice the profession of optometry in this State. The fee for issuing this license is five dollars (\$5.00), to be paid by check or money order made payable to the secretary-treasurer of the Board. There is a five dollar (\$5.00) charge a duplicate certificate.
- 5.2. When an applicant is examined by the Board and found qualified to practice the profession of optometry in this State he/she shall be notified by letter by the secretary. In this letter the secretary shall also advise the applicant of the required fifty dollar (\$50.00) certificate fee and the twenty dollar (\$20.00) annual renewal fee.
- 5.3. A certificate issued by the Board shall include the licensee's name in full, the name of the county of the licensee's choice, a certificate registration number, the Board seal, the effective date of the certificate and the signatures of the Board members. The pictures sent by the applicant in the application shall be returned and maybe used in connection with the certificate.
- 5.4. Every person practicing optometry in this State shall display his/her license renewal and certificate in his/her principal office.

14-1-6

**09 Section 6. Renewals.**

- 6.1. All registered optometrists who desire to continue in active practice shall, annually, on or before the first day of August, of each year, renew his/her certificate of registration and pay the annual renewal fee of thirty dollars (\$30.00) and submit proof of acquisition of all required continuing education hours. Any certificate of registration which has not been renewed during the month of August in any one year expires on the first day of September of that year. If the applicant fails to pay the required fees after ninety (90) days his/her records shall be so marked and he/she shall not be listed as a registered optometrist in this State. The secretary shall make every effort to locate those applicants and send a registered letter with receipt requested to the address given by the applicant.
- 6.2. All renewal fees shall be paid by check or money order made payable to the secretary-treasurer of the Board.
- 6.3. Upon receipt of the renewal fee the secretary shall issue an annual renewal certificate card bearing the number of the license, the year for which renewed and such other information the Board considers necessary.
- 6.4. When an optometrist has failed to pay his/her annual renewal fee by August 15 of any one year, it is the duty of the secretary to notify the optometrist by registered mail at his/her last known address, that the fee

is due and unpaid and cite the penalties of practicing optometry without the renewal. The secretary shall further advise the optometrist that his/her license to practice optometry expires on the following first day of September.

- 6.5. The secretary of the Board shall make every effort to notify all optometrists that they are required to renew their registration, but failure to receive a notification does not relieve them of his/her responsibility to renew.
- 6.6. Every optometrist shall display his/her renewal certificate in a conspicuous place in the principal office where he/she practices optometry. If an optometrist practices his/her profession in more than one (1) office (branch office), he shall have an additional renewal card for each office obtained upon request to the secretary. Every optometrist shall notify the secretary of any branch office and address.

**14-1-7.**

**09 Section 7. Unlawful use of the prefix "Doctor" or "Dr."**

- 7.1. It is unlawful for any person to use the prefix "Doctor" or "Dr." in connection with his/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/she holds.

**14-1-8**

**09 Section 8. Continuing Education**

- 8.1. Each registered optometrist shall provide evidence of completing eight (8) hours of continuing education annually at the time he/she applies for renewal of license.
- 8.2. The evidence shall show his/her attendance for a minimum of eight (8) hours during the preceding year at educational optometric programs covering one or more of the subjects taught in optometry colleges accepted by the Optometry Board.
- 8.3. Speakers, lecturers and others participating in the presentation of the program must be recognized as possessing requisite qualifications and being expert and of recognized repute in their field.
- 8.4. Instruction courses sponsored by individuals or institutions for commercial purpose are not recognized; nor are any programs in which the speaker advertises or urges the use of any particular ophthalmic product or appliance.
- 8.5. Education programs sponsored by the following organizations are approved as meeting the minimum standards:
  - (a) Educational meetings of the American Optometric Association.
  - (b) Educational meetings of the West Virginia Optometric Association and other state Optometry Association educational meetings.
  - (c) Scientific sections of the American Academy of Optometry.
  - (d) International Optometric sponsored meetings.
  - (e) Regional Optometric Extension Program congresses.