

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2 ■

Do Not Mark In This Box

FILED

2001 JUN 27 P 3:41

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Board of Optometry TITLE NUMBER: 14
RULE TYPE: Legislative CITE AUTHORITY: Chapter 30-Article 8
AMENDMENT TO AN EXISTING RULE: YES NO
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2
TITLE OF RULE BEING AMENDED: Expanded Prescriptive Authority

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 27, 2001 AT 8:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Optometry
101 Michael Street
Clarksburg, WV 26301-3937
(304) 627-2106

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

E. Clifton Hume, OD
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$4.00



West Virginia Board Of Optometry

101 Michael Street

Clarksburg, West Virginia 26301-3937

Phone: (304) 627-2106

Fax: (304) 627-2282

e-mail: wvbdopt@westvirginia.net

June 26, 2001

Secretary of State
State of West Virginia
Building 1, Suite 157K
1900 Kanawha Blvd., East
Charleston, WV 25305-0771

RE: Title 14- Series 2
Expanded Prescriptive Authority

Dear Sirs:

The Board has approved Title 14-Series 2-Expanded Prescriptive Authority as a legislative rule to consolidate the drug formulary in a single rule as requested by the standing Joint Committee on Government Organization and expand the current drug formulary.

Please fax us the cover page for this rule when the comment period begins.

Sincerely,

Clifton Hyre, O. D.
President

Enclosure
CH/bp

MISSION STATEMENT

To ensure that all applicants for licensure and all Doctors of Optometry currently licensed, practice their profession in a manner that benefits and protects the public, and to ensure that the highest quality optometric eye and vision care is provided in a professional, competent, and ethical manner.



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**CIRCUMSTANCES REQUIRING RULE
TITLE 14 – SERIES 2
EXPANDED PRESCRIPTIVE AUTHORITY**

This rule consolidates the drug formulary in a single rule as requested by the standing Joint Committee on Government Organization.

**SUMMARY OF PROPOSED RULE, TITLE 14-SERIES 2
EXPANDED PRESCRIPTIVE AUTHORITY**

Changes to this rule are made at the request of the standing Joint Committee on Government Organization and to expand the current drug formulary.

■
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 14-2 Expanded Prescriptive Authority

Type of Rule: X Legislative _____ Interpretive Procedural

Agency: WV Board of Optometry

Address: 101 Michael Street

Clarksburg, WV 26301-3937

Phone: (304)627-2106

1. Effect of Proposed rule:

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of Above Estimates: None

3. Objectives of These Rules: To consolidate the drug formulary in a single rule as requested by the standing Joint Committee on Government Organization and expand the current drug formulary.

Rule Title: 14-2 Expanded Prescriptive Authority

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government: **None**

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: **None**

C. Economic Impact on Citizens/Public at Large. **None**

Date: June 26, 2001

Signature of Agency Head or Authorized Representative:

E. Clayton Hyre, O.D.

**TITLE 14
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF EXAMINERS IN OPTOMETRY**

**SERIES 2
EXPANDED PRESCRIPTIVE AUTHORITY**

FILED
2001 JUN 27 P 3:41
OFFICE WEST VIRGINIA
SECRETARY OF STATE

14-2-1. General.

1.1. Scope. – This legislative rule establishes the requirements, procedures and standards for the certification and re-certification of individual optometrists, and expanded drug formulary, by the West Virginia Board of Examiners in Optometry, regarding prescriptive authority and expanded prescriptive authority, as defined in Chapter 30-8-2a. and 30-8-2b. of the West Virginia Code.

1.2. Authority. – W. Va. Code 30-8-2a. And 30-8-2b.

1.3. Filing Date-

1.4. Effective Date-

14-2-2. Certification.

2.1. In order to be permitted to prescribe oral drugs under the provisions of WV Code 30-8-2a and 30-8-2b, a registered optometrist shall apply to the Board for certification. In order to qualify for certification, an optometrist:

2.1.a. Shall have previously attained topical therapeutic certification.

2.1.b. Shall satisfactorily complete, and pass an examination in, a course in clinical pharmacology as applied to optometry. This course shall have particular emphasis on the administration of oral pharmaceutical agents for the purpose of examination of the human eye, and analysis of ocular functions and treatment of visual defects or abnormal conditions of the human eye and its adnexa. In addition, the course shall include instruction on the clinical use of Schedule III, IV, and V agents. This course shall consist of a minimum of 30 hours of ~~instruction~~ instruction in clinical systemic pharmacology. The course shall be taught by (1) a school or college of optometry or a medical school, accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or by the United States Department of Education, (2) a federally sponsored health education center; or (3) other non-profit continuing education agencies in cooperation with appropriate optometry or medical school faculty. All courses of instruction shall be approved by the Board; and

2.1. c. Shall pass an examination relating to the treatment and management of ocular disease, which is prepared, administered, and graded by the National Board of Examiners in Optometry or other nationally recognized optometric organization as approved by the board.

14- 2-3 Re-certification.

3.1. Each optometrist applying for ~~annual~~ re-certification shall ~~furnish to~~ have available for the Board, satisfactory evidence that he or she has acquired the continuing education hours required under the Board of Optometry Rule, Rules of the West Virginia Board of Optometry, 14CSR 1, to renew his or her ~~annual~~ biennial registration. Of those required hours, an optometrist certified under the provisions of this rule shall furnish the Board with satisfactory evidence that at least six (6) hours of the required hours were acquired in educational optometric programs in ocular pathology or therapeutic pharmacological agents

14-2-4. Insurance.

4.1 All optometrists certified under this rule shall carry liability insurance coverage in an amount of not less than one million dollars (\$1,000,000). No optometrist shall practice under the provisions of this rule unless and until he or she has submitted to the board evidence of the liability insurance coverage in an amount not less than one million dollars (\$1,000,000).

4.2 It will be the responsibility of each individual optometrist to furnish proof of current liability insurance coverage to the Board upon application for certification and re-certification.

14-2-5. Procedures for Certification.

5.1. The educational and training requirements for certification by the Board shall be from a college or university accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or by the United States Department of Education.

14-2-6. Fees.

6.1. The administrative fee for the certification of an individual optometrist for an expanded scope of practice prescriptive authority is \$200.00.

~~6.2. The administrative fee for the re-certification of an individual optometrist for an expanded scope of practice prescriptive authority is \$200.00.~~

14-2-7. Drug Formulary.

7.1. The categories of oral drugs to be considered rational to the diagnosis and treatment of visual defects or abnormal conditions of the human eye and its appendages shall include:

7.1.a. Analgesics: ~~provided, that no oral narcotic analgesic shall be prescribed for a duration of more than three days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.~~

7.1.b. Antibiotics.

7.1.c. Antifibrinolytics.

7.1.d. Antihistamines.

7.1.e. Anxiolytics.

7.1.f. Carbonic anhydrase inhibitors.

7.1.g. Oral Corticosteroids. ~~for a duration of no more than six days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages;~~

7.1.h. Hyperosmotics.

7.1.i. Imunosuppresants.

7.1.j. Non-steroidal anti-inflammatorys.

7.1.k. Nutritional Supplements.

14-2-8. Restrictions.

8.1. An optometrist may not establish a pharmacy in an optometric office or sell pharmaceutical agents prescribed in treatment unless there is a licensed pharmacist on staff and present when these prescriptions are filled. However, nothing in this section or in any other provision of law prohibits an optometrist who is certified under the provisions of this rule from administering or supplying pharmaceutical agents to a patient, without charge for the pharmaceutical agents, to initiate appropriate treatment.

8.2. Any optometrist practicing under the authority of this rule shall be held to the same standards of care as that of other health care practitioners providing similar services

8.3 . No optometrist shall practice under the provisions of this rule unless and until he or she submits to the board evidence of satisfactory completion of all of the education requirements of 2.1.a., 2.1.b. and 2.1.c. of this rule and have been certified by the board as educationally qualified.