

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

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Form #6

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: West Virginia Board of Optometry TITLE NUMBER: 14

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: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 2001

SECTION 64-9-10(b), PASSED ON June 10, 2002

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: June 21, 2002

E. Leighton Hye, OD
Authorized Signature

SCANNED

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

FILED

**SERIES 2
EXPANDED PRESCRIPTIVE AUTHORITY**

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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 with expanded prescriptive drug formulary, by the West Virginia Board of Examiners in Optometry, regarding prescriptive authority and expanded prescriptive authority, as defined in W. Va. Code 30-8-2a. and 30-8-2b.

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

1.3. Filing Date - July 27, 2001

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 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 re-certification shall 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

biennial registration. Of those required hours, an optometrist certified under the provisions of this rule shall furnish the Board 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 is 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.

14.2.7. Drug Formulary.

7.1. Optometrists certified under the provisions of this rule may prescribe the drugs set forth in WV Code 30-8-2a and this section.

7.2. WV Code 30-8-2b authorizes the Board to develop a formulary of 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. The categories include:

7.2.a. Antihistamines;

7.2.b. Oral Corticosteroids, may be prescribed for a duration of no more than six days,

7.2.c. Analgesics, provided that no oral narcotic analgesic may be prescribed for a duration of more than three days.

7.2.d. 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 the 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 sub-divisions 2.1.a., 2.1.b. and 2.1.c. of this rule and has been certified by the board as educationally qualified.