

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

Form #2

Do Not Mark In this Box

FILED

JUN 23 8 17 AM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Examiners TITLE NUMBER: 14
in Optometry

RULE TYPE: Legislative; CITE AUTHORITY Chapter 30-8-2a and
Chapter 30-8-2b

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 2

TITLE OF RULE BEING PROPOSED: Title 14 Series 2
Rules for Expanded Prescriptive
Authority

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 23, 1997 AT 12:00 NOON. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

West Virginia Board of Optometry
101 Michael Street
Clarksburg, WV 26301-3937

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

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$3.80

VISION CARE ASSOCIATES, INC.

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SHARON L. HAGE, O.D.
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EYE HEALTH CARE
CONTACT LENSES
QUALITY EYEWEAR

PHONE: (304) 422-1841

June 12, 1997

Secretary of State
State of West Virginia
Charleston, West Virginia

Dear Sirs:

Senate Bill 524, passed April 8, 1997, provides that the West Virginia Board of Examiners in Optometry propose legislative rules for the implementation of the provision of the new law.

Therefore, new rules are necessary to set guidelines for education, certification, re-certification and expanded prescriptive authority.

As the acting agency head, in the absence of the president of the West Virginia Board of Examiners in Optometry, I approve of the filing of this rule.

Sincerely,


Douglas L. Conrath, O.D.

Secretary-Treasurer

West Virginia Board of Optometry

- We Care For Your Eyes -

SUMMARY OF PROPOSED RULE, 14-2

Legislative rule 14-2 provides the West Virginia Board of Examiners in Optometry the necessary guidelines for education, certification, re-certification, and expanded prescriptive authority.

Educational requirements are based on the national norms for the scope of prescriptive authority included in Senate Bill 524 and Rule 14-2-.

Certification and re-certification requirements are based on national norms for the scope of practice of optometry.

The categories of drugs included in the formulary are based on the national norms for states which have expanded the scope of prescriptive authority since approximately 1987.

Circumstances Requiring Rule 14-2

Senate Bill 524, passed April 8, 1997, effective July 8, 1997, provides that the West Virginia Board of Examiners in Optometry propose legislative rules for the implementation of the provisions of the new law.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: TITLE 14 SERIES 2-RULES FOR EXPANDED PRESCRIPTIVE
 Authority
 Type of Rule: x Legislative Interpretive Procedural
 Agency West Virginia Board of Examiners in Optometry
 Address 101 Michael Street
Clarksburg, WV 26301-3937

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ NA	\$ NA	\$ NA	\$ NA	\$ NA
PERSONAL SERVICES	NA	NA	NA	NA	NA
CURRENT EXPENSE	NA	NA	NA	NA	NA
REPAIRS & ALTERNATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	NA	NA	NA	NA	NA

2. Explanation of above estimates: NA

3. Objectives of these rules: Senate Bill 524, passed April 8, 1997, effective July 8, 1997, provides that the West Virginia Board of Examiners in Optometry propose legislative rules for the implementation of the provisions of the new law.

Legislative Rule 14-2 provides the West Virginia Board of Examiners in Optometry guidelines for education, certification, re-certification, and expanded prescriptive authority.

Rule Title: Title 14 Series 2

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government. NA

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

A reasonable fee for certification and re-certification will be applied to optometrists seeking to use the expanded prescriptive authority of this rule.

C. Economic Impact on Citizens/Public at Large.

The expanded prescriptive authority provided by S.B. 524 will allow the public at large more cost effective access to eye health care.

Date: June 19, 1997

Signature of Agency Head or Authorized Representative

Barbara F. Palmer

Administrative Secretary

TITLE 14
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF EXAMINERS IN OPTOMETRY

SERIES 2
RULES FOR EXPANDED PRESCRIPTIVE AUTHORITY

FILED

JUN 23 8 18 AM '97

OFFICE OF 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. – BLANK

1.4. Effective Date. –BLANK

14-2-2. Certification.

2.1. The West Virginia Board of Optometry (the Board) shall require the following certification process of individual optometrists before they may be authorized to prescribe any of the oral drugs contained within the provisions of Chapter 30-8-2a. and Chapter 30-8-2b. of the West Virginia Code:

2.1.a. Those optometrists who have previously attained topical therapeutic certification, must 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 source 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 in clinical systemic pharmacology. The course shall be taught by a school or college of optometry or 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, or federally sponsored health education center, or other non-profit continuing education agencies in cooperation with appropriate optometry or medical school faculty. All courses of instruction must be approved by the Board.

2.1.b. Passage of 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 the board satisfactory evidence that they have taken in the preceding year a minimum of fifteen (15) hours of educational or postgraduate programs approved by the board, of which a minimum of at least six (6) hours must be in ocular pathology and/or therapeutic pharmacological agents

14-2-4. Insurance.

4.1. All optometrists must carry liability insurance coverage in an amount not less than one million dollars (\$1,000,000). No optometrist shall practice under the provisions of this section unless and until they have submitted to the board evidence of 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 shall be a reasonable fee, determined by the Board.

6.2. The administrative fee for the re-certification of an individual optometrist for an expanded scope of practice prescriptive authority shall be a reasonable fee, determined by the Board.

14-2-7. Drug Formulary.

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

7.1.a. Antihistamines for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.

7.1.b. Corticosteroids for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.

7.1.c. Analgesics for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.

7.1.d. Anxiolytics for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.

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 so certified 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 section 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 section unless and until they have submitted to the board evidence of satisfactory completion of all education requirements of 14-2-2a. and 14-2-2b., and have been certified by the board as educationally qualified.