

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #6

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FILED

APR 6 10 27 AM '98

OFFICE OF 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: 14-2

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

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

TITLE OF RULE BEING PROPOSED: Rule for Expanded Prescriptive
Authority

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

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 329

SECTION 64-9-24, PASSED ON March 14, 1998

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 6, 1998

Barbara J. Palmer
Barbara J. Palmer
4/2/98

\$2.80

TITLE 14
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF EXAMINERS IN OPTOMETRY APR 6 10 27 AM '98

SERIES 2
EXPANDED PRESCRIPTIVE AUTHORITY

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.

1.4. Effective Date.

14-2-2. Certification.

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

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 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 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 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 required by this subsection.

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.

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 which are rational to the diagnosis and treatment of the human eye and its appendages and which optometrist certified under this rule may prescribe include:

7.1.a. Antihistamines;

7.1.b. 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.c. 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.

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 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 rule unless and until he or she submitted 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.

0617

14-2

1 Bill-Optom

H. B. 4190

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(By Delegates Hunt, Linch, Compton, Jenkins,
Faircloth and Riggs)

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[Introduced January 30, 1998; referred to the
Committee on the Judiciary.]

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9

10 A BILL to amend article nine, chapter sixty-four of the
11 code of West Virginia, one thousand nine hundred
12 thirty-one, as amended, by adding thereto a new
13 section, designated section twenty, relating to
14 authorizing the board of examiners in optometry to
15 promulgate a legislative rule relating to rules for
16 expanded prescriptive authority.

17 *Be it enacted by the Legislature of West Virginia:*

18 That article nine, chapter sixty-four of the code of
19 West Virginia, one thousand nine hundred thirty-one, as
20 amended, be amended by adding thereto a new section,
21 designated section twenty, to read as follows:

22 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND**
23 **BOARDS TO PROMULGATE LEGISLATIVE RULES.**

4190

1 §64-9-20. Board of examiners in optometry.

2 The legislative rule filed in the state register on
3 the twenty-eighth day of July, one thousand nine hundred
4 ninety-seven, under the authority of sections two-a and
5 two-b, article eight, chapter thirty, of this code,
6 modified by the board of examiners in optometry to meet the
7 objections of the legislative rule-making review committee
8 and refiled in the state register on the first day of
9 December, one thousand nine hundred ninety-seven, relating
10 to the board of examiners in optometry (rules for expanded
11 prescriptive authority, 14 CSR 2), is authorized.

12

13 NOTE: The purpose of this bill is to authorize the
14 Board of Examiners in Optometry to promulgate a legislative
15 rule relating to Rules for Expanded Prescriptive Authority.

16

17 This section is new; therefore, strike-throughs and
18 underscoring have been omitted.

Senate Bill No. 329

14-2

1 (By Senator(s) Ross, Anderson, Bowman,
2 Macnaughtan, Boley and Buckalew)

3 [Introduced January 30, 1998; referred to the
4 Committee on Health and Human Resources; and
5 then to the Committee on the Judiciary.]
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