

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

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2001 APR 18 A 10:09

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Optometry TITLE NUMBER: 14

RULE TYPE: Procedural CITE AUTHORITY: Chaper 30 Article 8

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 RULE BEING PROPOSED: 6

TITLE OF RULE BEING PROPOSED: Written and Oral Examination and

Scoring Policy

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 May 21, 2001 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Optometry

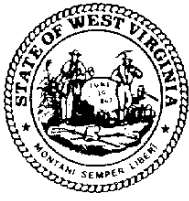
101 Michael St.

Clarksburg, WV 26301-3937

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

X L Clifton Hyde
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



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

March 14, 2001

Secretary of State
State of West Virginia
Charleston, WV

Re: Title 14-Series 6
Written and Oral Examination
and Scoring Policy

Dear Sir:

This a new procedural rule establishes the procedures that will be followed in the preparation, administration, and scoring of the written and oral examinations of the West Virginia Board of Optometry.

I approve of the filing of this procedural rule.

Sincerely,

A handwritten signature in cursive script that reads "Clifton Hyre".

Clifton Hyre, O. D.
President

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.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 4-16-01

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Board of Optometry

101 Michael Street

Clarksburg, Wv 26301-3937

LEGISLATIVE RULE TITLE: 14-6 Written and Oral Examination and Scoring Policy--Procedural Rule

1. Authorizing statute(s) citation 14-1 Rules of the Wv Board of Optomet

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

b. What other notice, including advertising, did you give of the hearing?

Newspaper and mailings

c. Date of Public Hearing(s) or Public Comment Period ended:

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____

No comments received _____

Attached _____ No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing:
(be exact)

- f. Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Barbara L. Palmer, Administrative Secretary (304-627-2106)

WV Board of Optometry

101 Michael Street

Clarksburg, WV 26301-3937

- g. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Same as above

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

Comment Period

- b. Date of hearing or comment period:

14-6-Written and Oral Examination and Scoring Policy-Procedural Rule

- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

- d. Attach findings and determinations and reasons:

Attached _____

CIRCUMSTANCES
PROCEDURAL RULE TITLE 14
SERIES 6-WRITTEN AND ORAL EXAMINATION AND SCORING

The Board needed to establish guidelines for their testing process.

**SUMMARY OF PROPOSED RULE, 14-6
WRITTEN AND ORAL EXAMINATION AND SCORING POLICY**

This rule establishes the procedures that will be followed in the preparation, administration, and scoring of the written and oral examinations of the West Virginia State Board of Optometry.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 14-Series 6-Writtenand Oral Examination and Scoring Policy

Type of Rule: Legislative Interpretive X Procedural

Agency: West Virginia Board of Optometry (304)627-2106

Address: 101 Michael Street

Clarksburg, WV 26301-3937

1. Effect of Proposed rule:

| | ANNUAL FISCAL YEAR | | | | |
|-----------------------|--------------------|----------|---------|-------|------------|
| | INCREASE | DECREASE | CURRENT | NEX T | 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 set guidelines for written and oral examinations and scoring policy.**

Rule Title: 14-6-Written and oral examination and scoring policy

4. Explanation of Overall Economic Impact of Proposed Rule: None

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: 4-16-01

Signature of Agency Head or Authorized Representative:

E. L. Linton Nepe, AD

FILED

**TITLE 14
PROCEDURAL RULES
WEST VIRGINIA BOARD OF OPTOMETRY**

2001 APR 18 A 10:09

**SERIES 6-WRITTEN AND ORAL EXAMINATION AND
SCORING POLICY**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

14-6-1 General

- 1.1. Scope.—This rule establishes the procedures that will be followed in the preparation, administration, and scoring of the written and oral examinations of The West Virginia State Board of Examiners in Optometry
- 1.2. Authority.—W. Va. Code 02 30-8 et seq.
- 1.3. Filing date.—
- 1.4. Effective Date—

14-6-2. Anonymity. The identity of the examinee will be strictly protected throughout the testing process.

2.1. After the candidates have arrived for the first written examination, the Secretary or his designee will have each examinee randomly draw a separate piece of paper that each contains a 7-digit number. The sheet will have blank spaces for the applicant to insert their name, address, telephone and social security numbers. The examinee will memorize this number and place the completed form back into the envelope that will be closed and sealed.

2.2. The examinee will write their memorized number on their initial test booklet, candidate comment sheet, and computer scoring form. The 7-digit number will be placed in the "I.D. Number" section under "Student Enrollment Sheet." As an added safeguard to eliminate the possibility of mixing examination sheets, the candidate also will place their 7-digit telephone number on the sheet.

2.3. At the beginning of the second (or more) examination, the examinee will use their same anonymous I.D. Number and complete the form in the same process as described above following the instructions on the test packet.

2.4. At the beginning of each oral examination, the examinee will state his/her I.D. Number at the beginning of their video-recorded examination. The examiners will question the applicant concerning issues

that directly relate to the safe practice of optometry. At the completion of the oral examinations, the Secretary will record the scores from all examiners for each numbered candidate.

2.5. After the scores for the written and oral examinations have been determined and averaged, which will determine the candidates that have successfully passed the overall examination, the Secretary then will open the envelope and match the applicants' number with their name.

14-6-3. Preparation.

3.1. The President of the West Virginia Board of Optometry shall appoint members to an Examination Committee consisting of two or more Board members (including the Secretary) to prepare the examinations deemed appropriate to test those subject areas necessary to ensure the safe practice of optometry.

3.2. The written multiple-choice examinations will be prepared following the guidelines published by the National Board of Examiners in Optometry (NBEO) and have no more than five (5) correct responses (i.e., a-e).

3.3. Each Board member shall prepare a set of relatively equivalent questions from which he/she can choose an appropriate number to ask during the oral examination. The examiner will print each potential question and follow it with the correct responses. A point value will be assigned to each response. The number of points achieved by each examinee for all of the questions asked divided by the total number of possible points, expressed as a percentage, will be the score reported to the secretary.

14-6-4. Grading.

4.1. A computerized grading sheet will be used so that an item analysis can be performed on each question.

4.2. Each question will be reviewed for ambiguity or miskeying that has one the following characteristics:

(a) A "P" value (percent of total correct responses) of less than 60% and have a negative "R" value (point biserial analysis) or

(b) All questions in which the "R" value has a value of -0.50 or more negative regardless of the "P" value.

(c) Relevant comments provided by the candidate on the examination comment sheet.

4.3. Questions that are deemed flawed by the Examination Committee using the item analysis described above or the information provided by the candidate on the examination comment sheet, will be recommended to the entire Board for deletion from scoring.

4.4. At the completion of each examinee's oral examinations, the examiners will record a percentage score for each candidate based upon the number of correct responses to the scored questions.

14-6-5 . Pass-Fail Scoring.

5.1. The individual percentage scores of the various examinations for each examinee will be tabulated and averaged. Candidates will have passed the overall Board examination if they successfully achieve a **75%** average of the various parts of the examination (e.g., oral, ocular disease, and pharmacology).



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

April 16, 2000

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

RE: Title 14- Series 6
Procedural Rule

Dear Sirs:

The Board has approved Title 14-Series 6-Written and Oral Examination and Scoring Policy as a procedural rule to provide guidelines for preparation, administration, and scoring of the examinations of the West Virginia Board of Optometry.

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

Sincerely,

A handwritten signature in cursive script that reads "Clifton Hyre, O.D." with a stylized flourish at the end.

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.

Lisa B. Blake



CENTER FOR SIGHT OF
ULTIMATE HEALTH SERVICES, INC.

Joseph A. LoCascio III, M. D.

Consultant and Surgeon for Sight
Diseases and Surgery of the Eye

St. Mary's Hospital Outpatient Center • 2860 Third Avenue - Suite 20 • Huntington, WV 25702

(304) 522-1055 • (800) 617-4448 • Fax (304) 522-1078



2001 MAY 21 A 10:53

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Attention: Lisa Blake
Fax to number: 304-558-0900
Date: 5/21/01
From: Joseph A. LoCascio III, MD
Number of pages: 5

☒ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply

Additional comments:

Please deliver to Secretary Mancini.

Also please reply by Fax with
date + time received + signature
to 304-522-1078.

ASAP.

Thank you,

Joseph LoCascio III
by Rdb

FAX

CONFIDENTIALITY NOTICE: The documents that are accompanying this facsimile transmission contain confidential information belonging to the sender which is legally privileged. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone (304) 522-1055 to arrange for the return of the original document to us.

Fellow American College of Surgeons • Diplomate, American Board of Ophthalmology



The West Virginia Academy of Ophthalmology



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Huntington, WV

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Charleston, WV

May 21, 2001

Joseph Manchin, III
Secretary of State
State Capitol Complex, Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770

Dear Secretary Manchin:

I offer these comments to try and improve the processes proposed under Title 14, Procedural Rules for the WV Board of Optometry, Section 6. Written and Oral Examination Policy.

Section 14.62-2.1 and 2.2.

I would suggest Social Security numbers instead of phone numbers. Considering the small number of optometrists and examinees, a phone number might be recognized. Further there is nothing here to identify that the person who is taking the test, is the candidate who should be taking the test. A picture ID and/or fingerprint should be used if accuracy and correct identity are goals.

Section 14.6.3.

There is no matrix to assure a broad number of subjects are covered to adequately sample an examinees fund of knowledge in different areas, unless it is covered by the guidelines of the National Board of Optometry. Otherwise, it might be left to the very broad and non-structured discretion of three individuals to identify the areas to be examined, as well as the questions to be asked on the examination. I think that a matrix, plus those additional areas necessary to assure the safe practice of optometry would be more objective. Further, there is no mention of a test bank from which to get good questions that have been statistically and psychometrically validated.

Section 14.6.4

Grading.

Here I think there is a substantial problem. The screening of questions should occur prior to the examination, not as part of the examination, which may or may not count towards an examinee's score. No questions should be eliminated because a certain number of examinees missed it. It

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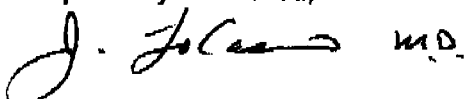
should be eliminated only if it is incorrect. The 60% of examinees who missed a good question, should not be rewarded by having that question dropped, but rather the 40% getting it correct should be rewarded by having their correct answer count towards their score. Please see the American Board of Ophthalmology procedures for pre-screening questions that are part of the scored examination for statistical and psychometric validity as well as correctness.

If these procedures are deemed too costly for the WV Board of Optometry, perhaps they could contract with the National Board/Organization of Optometry to obtain questions, which hopefully would be following more scientific methods for selecting questions that they administer. There is obviously a broad spectrum of information necessary to practice optometry that is independent of state statutes. Those state-to-state differences could be addressed in a State section of the WV Board exam. This could follow a format similar to the Bar exam with its National and State sections.

If the National Optometric Association exam is not psychometrically and statistically pre-tested and validated, then WV has the opportunity to mandate changes in the testing procedures to make certain the intentions of the WV Board of Optometry are carried out; that the examination insures that the candidates who pass the exam can safely practice optometry.

Please see the enclosed document from the American Board of Ophthalmology regarding their testing procedures.

Respectfully submitted,



Joseph A. LoCascio, III, M.D., F.A.C.S.
President, West Virginia Academy of Ophthalmology

JAL/kdb

Enclosures

Copy to:

Clifton Hyer, O.D.
President, WV Board of Optometry
101 Michael Street
Clarksburg, WV 26301-2282

Dictated: May 21, 2001
Transcribed: May 21, 2001/kdb
Blue Ribbon Transcription Service

American Board of Ophthalmology

John G. Clarkson, M.D., Chairman
Miami, FL

Founded in 1916
Please address all communications to
Doris M. O'Day, M.D., Executive Director
AMERICAN BOARD OF OPHTHALMOLOGY
111 PRESIDENTIAL BOULEVARD, SUITE 241
BALA CYNWYD, PENNSYLVANIA 19004-1075
(610) 664-1175 FAX (610) 664-6503 www.abop.org

Lee R. Duffner, M.D., Vice-Chairman
Hollywood, FL

May 16, 2001

Joseph A. LoCascio III, M.D.
St. Mary's Hospital Outpatient Center
2860 Third Avenue, Suite 20
Huntington, WV 25702

Dear Joe:

I am responding to your request for information on the process used by the American Board of Ophthalmology (ABO) in the development, administration and maintenance of its Written Qualifying Examination (WQE).

The ABO has developed a content outline that lists topic areas the Board feels are important for ophthalmologists. This document is somewhat fluid, as new developments and changes in ophthalmologic are frequent. Based on this content outline, item writers are assigned to write items in their area of expertise. Items are written by all of the ABO's Board Directors and by members of the American Academy of Ophthalmology's Ophthalmic Knowledge Assessment Program (OKAP) Committee. The WQE is given to candidates who have successfully completed their ophthalmology residency program. The OKAP examination is administered to residents currently in ophthalmology residency programs.

A total of approximately 1000 items is written each year. These items go through an initial review process that takes place by mail. During this review, items are critiqued, visual materials replaced and items are sent back to the original item writer for final changes. After this initial review, the 1000 items are then reviewed at a meeting held in March. Approximately 25 item writers from both the ABO and the AAO spend a weekend reviewing, critiquing, editing, and rewriting questions. Items are approved or deleted at this meeting. Each year approximately 350-400 items are either deleted or sent back to the item writer for revision. Revised items are resubmitted the following year. Of the remaining approved items, the ABO then chooses appropriate questions for use on the WQE (usually around 200 items). The remaining items are given to the AAO for its use.

Each form of the Written Qualifying Examination consists of 250 items—220 used items with reliable, proven statistics and 30 items from our pool of 200 new items. Since there are 4 forms of the WQE administered, a total of 120 new items are "pretested" each year. The 220 used items are scored; the 120 pretest items are not scored. The 220 previously used items that make up the test are selected from items that meet our criteria of P value of $< .95$ and a Bis. of $> .19$ at the last administration. Items that fall outside these criteria are not reused. Items with appropriate statistics are reviewed by members of the WQE Committee for appropriateness and correctness before being selected. Currently the ABO has a pool of approximately 4800 used items. Items are reused every 3 to 5 years.

Richard L. Abbon, M.D., San Francisco, CA
Daniel M. Albert, M.D., Madison, WI
George B. Barley, M.D., Rochester, MN
Edward G. Buckley, M.D., Durham, NC
John G. Clarkson, M.D., Miami, FL
Susan H. Day, M.D., San Francisco, CA
Lee R. Duffner, M.D., Hollywood, FL

Mark J. Mannis, M.D., Sacramento, CA
Theodore R. Marxon, Ph.D., New Haven, CT
William P. Mielke, M.D., Houston, TX
Richard P. Mills, M.D., Lexington, KY
Donald S. Minkler, M.D., Los Angeles, CA
Doris M. O'Day, M.D., Nashville, TN
M. Bruce Shields, M.D., New Haven, CT

William T. Shultz, M.D., Portland, OR
Gregory L. Skuta, M.D., Oklahoma City, OK
James S. Tiedeman, M.D., Charlottesville, VA
Charles P. Wilkinson, M.D., Baltimore, MD

Mary R. Ladden, Administrator

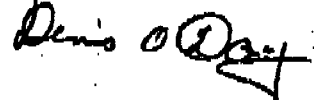
Founding Member Board of the American Board of Medical Specialties (ABMS)

Joseph A. LoCascio III, M.D.
May 16, 2001
Page Two

After the WQE is administered, all 340 items (220 scored + 120 pretest) go through an item analysis process that is performed by ACT, the agency that provides our testing and psychometric services. However, only the 220 scored items go through a key validation process. Items with a P value of $< .40$ or a Bis. of $< .19$ are pulled from the group for review. These pulled items are checked to be sure they are correctly keyed, then reviewed by members of the WQE Committee to check for correctness and timeliness. Items either are kept as is, rekeyed, or keyed with more than one correct answer. No item is discarded. In the event that there is a major error, all answers are scored correct. Of course, these items are not reused on subsequent examinations.

Using this methodology, the total test reliability for the Written Qualifying Examination has been consistently high, and the evidence for content validity is excellent.

Sincerely yours,



Denis M. O'Day, M.D.
Executive Director

pjd