



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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November 17, 2002

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Barbara Palmer
Optometry, WV Board of
101 Michael Street
Clarksburg, WV 26301

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Licensure by Endorsement, 14CSR8**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative rule
 - (a) as originally filed
 - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

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SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: West Virginia Board of Optometry

Subject: Licensure by Endorsement, 14CSR8

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2002 JUN - 7 A 9:46

FILED

PERTINENT DATES

Filed for public comment: March 20, 2002
Public comment period ended: April 22, 2002
Filed following public comment period: June 5, 2002
Filed LRMRC: June 5, 2002
Filed as emergency:

Fiscal Impact: None

ABSTRACT

The proposed rule is new.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule. This section also inappropriately contains the endorsement requirements. It requires an applicant for licensure by endorsement to hold a current optometry license from another state, prove that the license is in good standing and pay the established fees. Other requirements include submission to an oral examination and interview as considered necessary by the Board and passage of a West Virginia optometry law examination.

AUTHORITY

Statutory authority: W.Va. Code, §30-8-5, which provides, in part, as follows:

...(c) The board may propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this

code, to provide for licensure by endorsement for applicants licensed by other states whose licensure requirements are equivalent to those of this state, and who meet the requirements as set forth in this article and in the legislative rules of the board.

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

Yes. The proposed rule needs to be placed in the proper format.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.