

WEST VIRGINIA BOARD OF OPTOMETRY

14CSR8

Licensure By Endorsement

Summary

The amendment brings §14-8 to into compliance with the passage of Senate Bill 230, W. Va. Code §30-8, passed during the 2010 Legislative Session.

- The amendment adds the provision that the endorsement candidate should be of good moral character and be licensed in a state or states whose requirements are substantially equivalent to those required in this state in compliance with Senate Bill 230.
- The amendment reorganizes the rule making requirements more clear.
- It set up a complete application procedure.

WEST VIRGINIA BOARD OF OPTOMETRY

14CSR8

Licensure By Endorsement

Circumstances

The amendment is written in order to comply with the requirements of Senate Bill 230 passed during the 2010 Legislative Session rewriting the Board's enabling statute, W. Va. Code §30-8.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Licensure By Endorsement, §14-8

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Optometry

Address: 179 Summers Street, Suite 231
Charleston, WV 25301

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Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The amendment reorganizes §14-8 making requirements more clear, sets up a complete application process and adds the requirement that the applicant should come from a state whose requirements are substantially equivalent to those required in this state in compliance with Senate Bill 230 passed during the 2010 Legislative Session.

These changes are not expected to make an impact on the volume of endorsement applications. Therefore there is no fiscal impact of the amendment.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Licensure By Endorsement, §14-8

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3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

The amendment reorganizes §14-8 making requirements more clear, sets up a complete application process and adds the requirement that the applicant should come from a state whose requirements are substantially equivalent to those required in this state.

These changes are not expected to make an impact on the volume of endorsement applications. Therefore there is no fiscal impact of the amendment.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date:

6/25/10

Signature of Agency Head or Authorized Representative



TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRY

FILED
2010 JUN 25 AM 11:09
OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 8
LICENSURE BY ENDORSEMENT

§14-8-1. General.

1.1. Scope. -- This rule establishes requirements of the West Virginia Board of Optometry for licensure by endorsement for doctors of optometry.

1.2. Authority. -- W. Va. Code §30-8-5(e) §30-8-13.

1.3. Filing Date. -- .

1.4. Effective Date. -- .

§14-8-2. Requirements for Licensure by Endorsement.

2.1. An applicant for licensure by endorsement shall: be of good moral character and hold a current optometry license in good standing from another state or states that required an examination for licensure which requirements are substantially equivalent to those required in this state;

~~2.1.2. Have proof submitted directly from the optometry board in each state where he or she currently holds a license that it is in good standing and from each state where he or she has held a license that it was in good standing at the time the license was not renewed; and~~

~~2.1.3. Pay the fees established by the Board's rule 14CSR5.~~

~~§14-8-3. Application for Licensure by Endorsement.~~

~~2.233-1. Unless waived by the Board, an applicant for licensure by endorsement shall:~~

~~2.2.1.3-1.1. Apply for the highest level of therapeutic licensure in this state;~~

~~2.2.23-1.2. Be current in the continuing~~

education requirements of his or her current states of licensure;

~~2.2.3.3-1.3. Have engaged in the active practice of optometry (or on the faculty of a school or college of optometry or in active federal service) for at least five (5) of the seven (7) years immediately preceding his or her application;~~

~~2.2.4.3-1.4. Have not committed any act that would constitute grounds for disciplinary action under this the W. Va. Code §30-8-5 §30-8-18 or rules of the Board; and~~

~~3.1.5. Have a current copy of his or her record from the National Practitioner Data Bank (NPDB) and the Healthcare Integrity & Protection Data Bank (HIP DB) submitted directly to the Board; and~~

~~2.2.53-1.6. Not be subject to any unresolved disciplinary action;~~

~~2.3.4-1.3. The Board will not consider an applicant for licensure by endorsement in the state of West Virginia if he or she has failed the West Virginia Optometry Board Examination within ten (5) years preceding the date on which the application for endorsement is filed.~~

§14-8-3. Application for Licensure by Endorsement.

3.1. The applicant shall submit the prescribed application and include two (2) current photographs of him or herself not to exceed two (2) inches by two (2) inches.

3.2. The licensee shall submit certification from the Council on Endorsed Licensure Mobility for Optometrists, a subdivision of the Association of Regulatory Boards of Optometry, or

3.2.a. The applicant shall arrange for proof from the optometry board in each state where he or she holds or has ever held a license to be submitted directly to the Board.

3.3. The applicant shall arrange for a current copy of his or her record from the National Practitioner Data Bank (NPDB) and the Healthcare Integrity & Protection Data Bank (HIP-DB) to be submitted directly to the Board.

3.4. The applicant shall supply written evidence that he or she has met all criteria for the highest level of licensure as listed in W. Va. Code, §30-1, et. seq. and the rules of the Board.

3.5. In the application the applicant shall state that he or she will abide by the laws of this State regulating the practice of optometry and by the rules adopted by the Board.

3.6. The application shall be subscribed by the applicant and sworn by him or her before any officer legally qualified to administer oaths.

3.7. The Board shall deny the right to licensure by endorsement to any person furnishing false information in the application, or if the applicant has been licensed before it is made known to the Board of the falseness of the information, the license is subject to suspension, revocation or cancellation.

3.8. The applicant shall pay the fee established by the Board's rule, Schedule of Fees, 14CSR5.

§14-8-4. Examination for Licensure by Endorsement.

4.1. The applicant shall:

4.1.1. Submit to an oral examination and interview as considered necessary by the Board at a time and place as prescribed by the Board; and

4.1.2. Pass a West Virginia optometry law examination as required by the Board to be given at times and places prescribed by the Board.

~~4.1.3. The Board will not consider an applicant for licensure by endorsement in the state of West Virginia if he or she has failed the West Virginia Optometry Board Examination within ten (10) years preceding the date on which the application for endorsement is filed.~~