

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

2010 JUL 30 PM 5: 01

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV Board of Optometry TITLE NUMBER: 14CSR8

CITE AUTHORITY: §30-8-1, et. seq.

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 14CSR8

TITLE OF RULE BEING AMENDED: Licensure By Endorsement

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

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: July 30, 2010

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* WV Board of Optometry, 179 Summers Street, Charleston, WV 25301, 304-558-5901

LEGISLATIVE RULE TITLE: 14CSR8 Licensure By Endorsement

1. Authorizing statute(s) citation §30-8-1, et seq

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 25, 2010

b. What other notice, including advertising, did you give of the hearing?
A memo was mailed to all licensees directing them to our web site, www.wvbo.org, where the proposed rules were posted. Notice was given by phone and e-mail to the West Virginia Optometric Association and the West Virginia Academy of Ophthalmologists informing them of the posting on the web site.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 26, 2010 at noon

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

Attached xx No comments received _____

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

July 30, 2010 at 2:00 p.m.

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

Pamela Carper, 179 Summers Street, Suite 231, Charleston, WV 25301, 304-558-5901 The cell phone number is 304-546-2907.

- g. **IF DIFFERENT FROM ITEM 'f'**, please give 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)

Gregory Moore, O.D., President, WV Board of Optometry, 179 Summers Street, Suite 231, Charleston, WV 25301, 304-558-5901 or 304-768-7902 or contact Pam Carper listed 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.

-n/a

b. Date of hearing or comment period:

n/a

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

n/a

d. Attach findings and determinations and reasons:

Attached n/a

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

Phone Number: 304-558-5901 Email: wbdopt@verizon.net

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

Rule Title:

Licensure By Endorsement, §14-8

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.

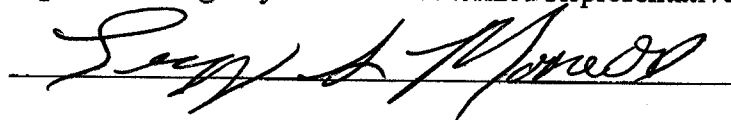
These changes are not expected to make an impact on the volume of endorsement applications. Therefore there is no fiscal impact of the amendment.

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: 7/30/10

Signature of Agency Head or Authorized Representative



FILED

TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRY

2010 JUL 30 PM 5:01

SERIES 8
LICENSURE BY ENDORSEMENT

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§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~~

~~2.2.53-16. 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