

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

Form #4

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2010 NOV 24 PM 3:27

WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Optometry TITLE NUMBER: §14

CITE AUTHORITY: W. Va. Code §30-8-1, et.seq.

AMENDMENT TO AN EXISTING RULE: YES NO

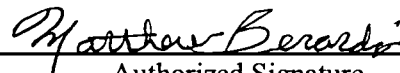
IF YES, SERIES NUMBER OF RULE BEING AMENDED: §14-8

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 RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

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TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRY 2010 NOV 24 PM 3:27

SERIES 8
LICENSURE BY ENDORSEMENT RECIPROCITY 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 reciprocity 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 Reciprocity.

2.1. An applicant for licensure by endorsement reciprocity 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 reciprocity 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 Reciprocity.

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, §30-8-1, et. seq. and the rules of the Board.

3.5. In the application the applicant shall state that he or she will shall 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; His or her signature shall be witnessed and notarized by a notary public.

3.7. The Board shall deny the right to licensure by endorsement reciprocity 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-W.Va. Code of Rules, §14-5.

3.9 The board may require an applicant to interview with the board.

§14-8-4. License Interview and Examination for Licensure by Endorsement Reciprocity.

~~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 under the provisions of W. Va. Code §30-8-13(a)(5).~~

~~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.~~