

WEST VIRGINIA BOARD OF OPTOMETRY

14CSR9

Contact Lenses That Contain and Deliver Pharmaceutical Agents Certificate

Summary

This new rule brings the Board's rules to into compliance with the passage of Senate Bill 230, W. Va. Code §30-8, passed during the 2010 Legislative Session.

- The rules sets up requirements and an application process to obtain a certificate to prescribe and dispense contact lenses that contain and deliver pharmaceutical agents approved by the FDA as a drug.
- The rule also makes it clear that the licensee may dispense these contact lenses for his or her optometric office.
- The licensee may charge reasonable and customary fees for the dispensation of contact lenses that contain and deliver pharmaceutical agents approved by the FDA as a drug.

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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: Contact Lenses That Contain and Deliver Pharmaceutical Agents Certificate, §14-9

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: wvbdopt@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.

This new rule establishes the Contact Lenses That Contain and Deliver Pharmaceutical Agents Certificate in compliance with Senate Bill 230 passed during the 2010 Legislative Session.

It will take staff one hour per certificate to prepare them. There are 290 licensees eligible to apply for the certificate costing \$5298.30 (\$18.27 x 290 licensees = \$5298.30). There will be additional staff time developing the program, designing the certificates and database accomodation (16 hrs x \$18.27/hr = \$291.00). The Board estimates that there will be a 13% demand on current expenses at \$5080 (\$39076 x 13% = \$5080). There will be a \$1500 web master charge to re-design the database and web site. The Board estimates \$700 for a new filing cabinet and filing supplies. §14-5, Schedule of Fees sets up a fee of \$50 per licensee raising \$14500.

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	12,869.00	12,869.00
Personal Services	0.00	7,089.00	7,089.00
Current Expenses	0.00	5,080.00	5,080.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	700.00	700.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	14,500.00	14,500.00

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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.

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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

[Handwritten Signature]

TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRY

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

SERIES 9

CONTACT LENSES THAT CONTAIN AND DELIVER PHARMACEUTICAL AGENTS
CERTIFICATE

§14-9-1. General.

1.1. Scope. -- This rule establishes the requirements, procedures and standards for the certification of a licensee with the authority to prescribe and dispense contact lenses that contain and deliver pharmaceutical agents and that have been approved by the Food and Drug Administration as a drug.

1.2. Authority. W. Va. Code §30-8-1 et. seq.

1.3. Filing Date. -- .

1.4. Effective Date. -- .

4.2. The licensee shall be permitted to charge reasonable and customary fees for the dispensation of contact lenses that contain and deliver pharmaceutical agents approved by the Food and Drug Administration as a drug.

§14-9-2. Requirement.

2.1. In order to qualify for certification, a licensee shall have previously attained topical therapeutic certification.

§14-9-3. Application.

3.1. The licensee shall submit the Board's prescribed certificate application form to the Board;

3.2. The licensee shall attach a copy of his or her topical therapeutic license as proof of his or her topical therapeutic certification; and

3.3. Shall pay the fee listed in the Board's rule, Schedule of Fees, 14CSR5.

§14-9-4. Dispensation.

4.1. A licensee with certification under the provisions of this rule may dispense contact lenses that deliver pharmaceutical agents approved by the Food and Drug Administration as a drug from his or her optometric office.