

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

Form #4

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OFFICE OF THE
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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: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: §14-9

TITLE OF RULE BEING PROPOSED: Contact Lenses That Contain and Deliver Pharmaceutical Agents Certificate

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.

Matthew Berardi
Authorized Signature

TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRY

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SERIES 9
CONTACT LENSES THAT CONTAIN AND DELIVER PHARMACEUTICAL AGENTS
CERTIFICATE

WEST VIRGINIA
SECRETARY OF STATE

§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. -- .

§14-9-2. Requirement.

2.1. In order to qualify for certification, a licensee shall have ~~previously attained topical therapeutic certification.~~ successfully completed the requirements for licensure in West Virginia and must have an active practice within the state of West Virginia.

§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 oral pharmaceutical certification~~ license and each physical address from which the optometrist intends to dispense contact lenses that contain and deliver pharmaceutical agents; and

3.3. Shall pay the fee listed in the Board's rule, Schedule of Fees, ~~14CSR5~~ W.Va. Code of Rules, §14-5.

§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.

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.

4.3. ~~Nothing in this rule shall permit a licensee to dispense contact lenses that deliver pharmaceutical agents based on an outside prescription.~~ Optometrists who are certified to prescribe and dispense contact lenses that contain and deliver pharmaceutical agents may dispense these lenses to their own patients, but not fill prescriptions written by other health care practitioners.